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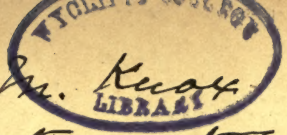

E. Pan. Knox
with the author's kind
regards.
April 1908.

THE CHURCH HANDBOOK.

THE
CHURCH HANDBOOK

FOR MEMBERS OF
THE ANGLICAN COMMUNION.

BY

P. V. SMITH, LL.D.

CHANCELLOR OF THE DIOCESE OF MANCHESTER.

Author of
'The Law of Churchwardens & Sidesmen in the Twentieth Century,'
' The Legal Position of the Clergy,' &c.

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To

THE MOST REVEREND

RANDALL THOMAS,

LORD ARCHBISHOP OF CANTERBURY,

THIS LITTLE BOOK,

BY HIS GRACE'S PERMISSION,

IS,

WITH THE AUTHOR'S SINCERE ESTEEM AND REGARD

RESPECTFULLY

DEDICATED.

PREFACE.

THE Anglican Churchman's true Handbook is his Prayer-book, and he cannot do better than make himself completely master of all its contents. Within its covers he will find the full teaching of his Church, all that is actually essential for his private as well as his public devotions, and for the regulation of his spiritual life. This is sufficient for his own practical needs; but in order to possess an intelligent knowledge of his position in Christendom, as well as to meet the questions and objections of members of other Christian communions, he requires some acquaintance with the origin and development of his Church, and of its past and present constitution, government, laws, and distinctive features.

The object of the present Handbook is to supply information on these points in a small compass and in a succinct form. It does not pretend to be a continuous or complete history of events. The reader who desires fuller details will find them in the many works which have been compiled on Anglican Church history, law, and practice. Among these may be mentioned the following: *The Student's English*

Church History, First Period (596–1509), and Second Period (1509–1717), by the late Canon G. G. Perry (London: John Murray); *An Introduction to the History of the Church of England*, by H. O. Wakeman (London: Rivington & Co., 1896); *A History of the English Church*, 8 vols. (Macmillan & Co., 1899–1907); *The Ecclesiastical Law*, by Richard Burn, LL.D., 4 vols. (9th edition, 1842); Stephen's *Commentaries on the Laws of England*, vol. ii., Book iv., Part 2; Procter's *History of the Book of Common Prayer*; and Bishop Barry's *Teacher's Prayer-book*.

The subjects of chapters V., VI., and VII., of Part I. have also been treated by the present writer at greater length in *The Law of Churchwardens and Sidesmen in the Twentieth Century* (London: Wells Gardner, Darton, & Co., Ltd.), and *The Legal Position of the Clergy* (London: Longmans, Green & Co.)

The reader who desires to investigate further the subjects dealt with in Part II., can do so in *The Ecclesiastical Expansion of England*, by Bishop Barry, being the Hulsean Lectures for 1894–5 (London: Macmillan & Co., 1895); *The History of the Church Missionary Society*, by Eugene Stock, 3 vols. (London: Church Missionary Society, 1899); and in various local church histories published by the Society for Promoting Christian Knowledge (Northumberland Avenue, London, W.C.). Short Summaries of the systems of self-government adopted by different

branches of the Anglican Communion are furnished by *The Report of the Self-Government Enquiry Committee of the Canterbury House of Laymen of* 1901 (Report No. 31: National Society, 19 Great Peter Street, Westminster, 3*d.*), and *Self-Government in the Non-Established Churches of the Anglican Communion*, by H. C. Powell and C. L. Dundas (1899, No. 21, Church Reform League, Church House, Westminster, 2*d.*)

P. V. SMITH.

September, 1907.

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A.D.

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1583. First dissenting congregation formed.
1603. Accession of James I.
1604. Promulgation of new Canons.
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1611. Authorised version of the Bible published.
1625. Accession of Charles I.
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1640. New Canons made.
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1662. Act of Uniformity and Prayer-book.
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A.D.

1739. First organization of Methodism.
1751. New Calendar established.
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1760. Accession of George III.
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1780. Sunday Schools started by Robert Raikes.
1784. Consecration of Bishop Seabury. Wesleyan Methodist Trust Deed drawn up.
1786. Act for Consecration of bishops for foreign countries.
1787. See of Nova Scotia founded.
1789. Convocation of American Episcopal Church.
1791. Death of John Wesley and of Countess of Huntingdon.
1792. Scottish Episcopalians' Relief Act.
1793. See of Quebec founded.
1795. Secession of Wesleyan Methodists.
1795. Methodist New Connection founded.
1799. Church Missionary Society founded.
1801. Union of Great Britain and Ireland and of Churches of England and Ireland. Act excluding clergymen from House of Commons.
1804. British and Foreign Bible Society founded.
1808. London Society for Promoting Christianity among the Jews founded.
1810. Secession of Primitive Methodists.
1811. National Society founded. Welsh Calvinistic Methodism organized.
1813. Indian Church Establishment created.
1818. First Church Building Act. Sturges Bourne's Vestries Act.
1820. Accession of George IV.
1823. Marriage Act.
1824. Archdeaconry of New South Wales created.
1825. Sees of Jamaica and Barbados founded.
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1830. Accession of William IV.
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A.D.

1833. First Parliamentary Grant for Education. Suppression and union of many Irish ecclesiastical dignities. Indian Church Establishment extended.

1835. See of Madras founded.

1836. Ecclesiastical Commission founded. See of Ripon re-founded. Bishopric of Australia founded. Tithe Rent-charge Commutation Act. Church Pastoral Aid Society founded.

1837. Accession of Victoria. See of Bombay founded. Additional Curates Society founded.

1838. Colonial and Continental Church Society founded.

1839. Education Committee of Privy Council formed. See of Newfoundland and Bermuda founded.

1841. Colonial Bishoprics Fund started. Act for Consecration of bishops in foreign countries (Jerusalem Bishopric Act). Bishopric of New Zealand founded.

1843. Sir Robert Peel's New Parishes Act.

1844. Church of England Scripture Readers' Society and South American Missionary Society founded.

1845. Sees of Fredericton and Colombo founded.

1847. Sees of Manchester and of Capetown founded.

1849. Province of Canada formed. See of Rupert's Land founded.

1850. Judgment in Gorham *v.* Bishop of Exeter.

1851. First Colonial Diocesan Synod at Toronto.

1853. Province of Capetown created.

1854. Secularisation of the Canadian Clergy Reserves.

1855. Consecration of Bishop of Labuan out of England.

1856. Marquis of Blandford's New Parishes Act. Canadian Act as to Church Government.

1857. Constitution for the Church in New Zealand framed.

1858. Universities' Mission to Central Africa founded.

1859. See of Columbia founded.

1860. Act as to Brawling.

1861. First General Synod of the Province of Canada. Melanesian Bishopric founded. First Church Congress.

1863. Scotch Canons enacted. Judgment in Long *v.* Bishop Capetown.

A.D.

1864. Judgment in Williams *v.* Bishop of Salisbury (Essays and Reviews Case). Scottish Episcopal Clergy Act.

1865. Clerical Subscription Act and Canon. Judgment in *Re* the Bishop of Natal.

1866. Judgment in Bishop of Natal *v.* Gladstone. First Diocesan Synod in Sydney. First American Bishop in Japan.

1867. First Lambeth Conference of Bishops.

1868. Compulsory Church Rates abolished. Act conferring title of Vicar on Perpetual Curates. Public Schools Act.

1869. Irish Church Disestablishment Act. Judgment in Bishop of Capetown *v.* Bishop of Natal. Endowed Schools Act.

1870. General Convention of Church of Ireland. First Provincial Synod of Capetown: Constitution and Canons framed. Elementary Education Act.

1871. Prayer-book (Tables of Lessons) Act. Incumbents Resignation Act. Ecclesiastical Dilapidations Act. Universities' Tests Abolition Act. Disestablishment commenced in Ireland.

1872. Act of Uniformity Amendment Act. General Synod of the Dioceses of Australia and Tasmania.

1873. Province of the West Indies formed.

1874. Colonial Clergy Act. Public Worship Regulation Act.

1875. First Provincial Synod of Rupert's Land.

1876. Constitution of the Province of Capetown further settled. Education declared compulsory.

1878. Second Lambeth Conference of Bishops.

1880. Church of England Zenana Missionary Society founded.

1882. Judgment in Merriman *v.* Williams.

1883. Death of Bishop Colenso. First English Bishopric in Japan.

1886. First Meeting of Canterbury House of Laymen. Extraordinary Tithe Act.

1887. First General Synod in Japan: Formation of Nippon Sei Ko-Kwai.

1888. Third Lambeth Conference of Bishops. Marriage Hours Extension Act and Canon. Incumbents' Resignation Act Amendment Act.

A.D.

1891. Tithe Act. Free Education introduced.

1892. Clergy Discipline Act and Canon. Revival of the See of Natal. First Meeting of York House of Laymen

1893. Union of the Provinces of Canada and Rupert's Land, with two Archbishops. Archbishop Machray first Primate of All Canada.

1896. Joint Meeting on Education Question.

1897. Fourth Lambeth Conference of Bishops. Recognition of the Metropolitans of New South Wales, Capetown, and the West Indies, and future Provinces in the Colonies, as Archbishops. Voluntary Schools Aid Grant Act.

1898. Benefices Act.

1901. Accession of Edward VII.

1902. Education Act.

1903. Representative Church Council formed. Education (London) Act.

1905. Episcopal Regulations as to Lay Readers.

SEES
OF THE ANGLICAN COMMUNION.

(*With Dates of their Foundation.*)

I.—CHURCH OF ENGLAND.

Province of Canterbury.

	597.	Canterbury.
	604.	London.
(634)	662.	Winchester.
cir.	550.	Bangor.
	909.	Bath and Wells.
	1904.	Birmingham.
	1542.	Bristol.
(681)	1070.	Chichester.
	1109.	Ely.
(909)	1050.	Exeter.
	1541.	Gloucester.
	676.	Hereford.
	656.	Lichfield.
	1085.	Lincoln.
cir.	600.	Llandaff.
(630)	1094.	Norwich.
	1545.	Oxford.
	1541.	Peterborough.
	604.	Rochester.
	1877.	St. Albans.
cir.	550.	St. Asaph.
cir.	550.	St. Davids.
(705)	1075.	Salisbury.
	1905.	Southwark.
	1884.	Southwell.
	1877.	Truro.
	679.	Worcester.

Province of York.

	625.	York.
(635)	990.	Durham.
	1133.	Carlisle.
	1537.	Chester.
	1880.	Liverpool.
	1847.	Manchester.
	1882.	Newcastle.
(678)	1836.	Ripon.
	1888.	Wakefield.
		Sodor and Man.

EUROPE.

	1842.	Gibraltar.

AMERICA.

Province of Canada.

	1787.	Nova Scotia.
	1793.	Quebec.
	1889.	Toronto.
	1845.	Fredericton.
	1850.	Montreal.
	1857.	Huron.
	1862.	Ontario.
	1873.	Algoma.
	1875.	Niagara.
	1896.	Ottawa.

Province of Rupert's Land.

1849. Rupert's Land.
1872. Moosonee.
1874. Athabasca.
,, Saskatchewan.
1884. Mackenzie River.
,, Qu'Appelle.
1887. Calgary.
1890. Selkirk.
1899. Keewatin.

Extra-Provincial.

1839. Newfoundland.
1859. Columbia.
1879. Caledonia.
,, New Westminster.
1900. Kootenay.

Province of the West Indies.

1824. Jamaica.
,, Barbados and (1878) The Windward Islands.
1842. Antigua.
,, Guiana.
1861. Nassau.
1872. Trinidad.
1883. British Honduras.

Extra-Provincial.

1869. Falkland Islands.

ASIA.

Province of Calcutta.

1814. Calcutta.
1835. Madras.
1837. Bombay.
1845. Colombo.
1877. Lahore.
,, Rangoon.
1879. Travancore and Cochin.
1890. Chota Nagpore.
1893. Lucknow.
1896. Tinnevelly and Madura.
1902. Nagpur.

Extra-Provincial.

1841. Jerusalem and the East.
1849. Victoria (Hong Kong)
1855. Singapore, Labuan, and Sarawak.
1872. North China.
1880. Mid China.
1889. Corea.
1895. Western China.
1902. Shang-Tung.
1906. Fuh-kien.

[*In connection with the Nippon Sei Ko-Kwai.*]

1883. South Tokyo.
1894. Kiushiu.
1896. Hokkaido.
,, Osaka.

AFRICA.

Province of South Africa.

1847. Capetown.
1853. Grahamstown.
,, Natal.
1859. St. Helena.
1863. Bloemfontein.
1870. Zululand.
1873. St. John's, Kaffraria.
1878. Pretoria.
1891. Mashonaland.
,, Lebombo.

Extra-Provincial.

1852. Sierra Leone.
1864. Western Equatorial Africa
1854. Mauritius.
1861. Zanzibar and East Africa.
1892. Likoma.
1884. Mombasa.
1898. Uganda.
1874. Madagascar

AUSTRALASIA.

Province of New South Wales.

1836. Sydney.
1847. Newcastle.

1863. Goulburn.
1865. Grafton and Armidale.
1869. Bathurst.
1883. Riverina.

Province of Victoria.

1847. Melbourne.
1875. Ballarat.
1902. Bendigo.
,, Gippsland.
,, Wangaratta.

Province of Queensland.

1859. Brisbane.
1878. North Queensland.
1892. Rockhampton.
1896. New Guinea.
1900. Carpentaria.

Extra-Provincial.

1842. Tasmania.
1847. Adelaide.
1857. Perth.
1903. Bunbury.

Province of New Zealand.

1841. Auckland.
1856. Christchurch.
1858. Wellington.
,, Nelson.
,, Waiapu.
1861. Melanesia.
1866. Dunedin.

II.—CHURCH OF IRELAND.

Province of Armagh.

445. Armagh.
520. Meath.
493. Clogher.
1158. Derry and (**1160**) Raphoe.
499. Down and (**507**) Connor and (**556**) Dromore.
1231. Kilmore, (**500**) Elphin and (**488**) Ardagh.
501. Tuam, (**440**) Killala and (**530**) Achonry.

Province of Dublin.

633. Dublin, (**612**) Glendalough and (**519**) Kildare.
901. Cashel and (**448**) Emly, (**1096**) Waterford and (**631**) Lismore.
632. Cork, (**604**) Cloyne and (**600**) Ross.
639. Killaloe and (**1254**) Kilfenora, (**571**) Clonfert and (**621**) Kilmacduagh.
550. Limerick, (**1075**) Ardfert and (**1075**) Aghadoe.
549. Ossory, (**1155**) Ferns and (**628**) Leighlin.

III.—EPISCOPAL CHURCH OF SCOTLAND.

St. Andrews, Dunkeld and Dunblane.
Moray, Ross and Caithness.
Aberdeen and Orkney.
Brechin.
Edinburgh.
Glasgow and Galloway.
Argyle and the Isles.

IV.—PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA.

Dioceses.

1783. Connecticut.
,, Maryland.
1784. Massachusetts
,, Pennsylvania.
1785. New Jersey.
,, New York.
,, South Carolina.
,, Virginia.
1790. Rhode Island.
,, Vermont.
1791. Delawarr.
1802. New Hampshire.
1816. North Carolina.
1818. Ohio.
1820. Maine.
1823. Georgia.
1825. Mississippi.
1828. Tennessee.
1829. Kentucky.
1830. Alabama.
1832. Michigan.
1835. Chicago.
1838. Florida.
,, Indianopolis.
,, Louisiana.
,, Western New York.
1839. Missouri.
1847. Milwaukee.
1849. Texas.
1850. California.
1853. Iowa.
1857. Minnesota.
1859. Kansas.
1865. Pittsburgh.
1868. Albany.
,, Central New York.
,, Easton.
,, Long Island.
1868. Nebraska.
1871. Arkansas.
,, Central Pennsylvania.
1874. Newark.
,, Western Michigan.
1875. Fond Du Lac.
,, Southern Ohio.
1877. Quincy.
,, Springfield.
,, Western Virginia.
1883. East Carolina.
1886. Colorado.
1889. Oregon.
1890. Kansas City.
1892. Southern Virginia.
1895. Dallas.
,, Lexington.
,, Los Angeles.
,, Marquette.
,, Washington.
1899. Michigan City.
1901. Western Massachusetts.
1904. Harrisburg.
,, Montana.[1]
,, Western Texas.[2]

Missionary Dioceses in United States Territories.

1892. Alaska.
,, Arizona.
,, Southern Florida.
,, Spokane.
1895. Asheville.
,, Duluth.
1898. Boise.
,, Lavamie.
1883. North Dakota.
1873. South Dakota.

[1] Founded as a Missionary bishopric in 1880.
[2] Founded as a Missionary bishopric in 1874.

1902. Honolulu.
1889. New Mexico.
1892. Oklahoma and (1895) Indian Territory.
,, Olympia.
1901. Philippines.
,, Porto Rico.
,, Salina.
1898. Sacramento.
,, Salt Lake.

Foreign Sees.

1898. Brazil.
1836. Cape Palmas.
1901. Cuba.
,, Hankow.
1874. Hayti.
1904. Mexico.
1844. Shanghai.
1874. North Tokyo.[1]
1900. Kyoto.

V.—THE CHURCH IN JAPAN.

(*Nippon Sei Ko-Kwai.*)

[*Missionary Sees of the Church of England* (*see above*).]

1883. South Tokyo.[2]
1894. Kiushiu.
1896. Hokkaido.
,, Osaka.

[*Missionary Sees of the American Church* (*see above*).]

1874. North Tokyo.[1]
1900. Kyoto.

[1] Founded for Japan in 1866, and at Yedo (now Tokyo) in 1874.
[2] Founded for Japan in 1883, and assigned to South Tokyo in 1896.

THE CHURCH HANDBOOK.

PART I.

THE CHURCH OF ENGLAND.

CHAPTER I.

Origin and Foundation.

The Church of England.

1. The Church of England is that branch of the Holy Catholic and Apostolic Church which was founded in England when the English were gradually converted to Christianity between the years 597 and 686. Bede, in his Ecclesiastical History of the English People, written in the first half of the eighth century, sometimes alludes to the churches of the English, by which he means the different dioceses or sees, which during those years had been constituted in the country.[1] But he also frequently speaks of the Church of the English; since, at the time when he wrote, all the dioceses had been united into one ecclesiastical organization. The expression 'Ecclesia Anglicana' (Anglican or English Church) is found in letters of Thomas à Becket in the middle of the

[1] For this use of the word 'church,' compare the oath of obedience to the archbishop, and to the metropolitical church of Canterbury (or York), and to their successors, which a bishop takes at his consecration (Prayer-book: Form of the Consecration of Bishops).

twelfth century, and is stereotyped in the first article of Magna Charta (A.D. 1215), which declares that the Anglican Church shall be free and shall have all her rights unimpaired, and her liberties inviolate. In the Statute of Provisors, enacted in 1350, the Holy Church of England (*seinte eglise Dengleterre*) is continually referred to, and from the year 1372 until 1872 (when the form of the writ was abbreviated), the royal summonses to Parliament contained special reference to the English Church. (See Chap. III. s. 12).

Pre-Anglican Christianity in Britain.

2. Christianity, however, had existed in Britain before the occupation of the island by the English. The traditions of its introduction by St. Paul or by Joseph of Arimathæa rest on no certain foundation, but it was firmly established long before A.D. 409, when the protection of the Roman legions and the sway of the Roman Empire were withdrawn. Tertullian in 208, and Origen in 239, speak of Britain as a Christian country, and in 303 Albanus, a Roman soldier, suffered martyrdom for the Faith in the city which now bears his name. In 314, three British bishops, holding the sees of London, York, and another, probably Lincoln, attended a council at Arles, in the south of France. About the same time St. Patrick, St. Ninian, and other missionaries from the Roman province[1] of Britain carried the Gospel into Ireland and the west of Scotland. But between 448 and 576 the old province[1] was gradually overrun and parcelled out into several kingdoms by the Angles, Jutes, and Saxons; the latter of whom gave their name to some of the southern kingdoms, while the whole people collectively took their name from

[1] The word 'province' is here, of course, used in its civil and original sense, from which its later ecclesiastical meaning was derived.

the Angles. These invaders, being pagans, stamped out Christianity from almost the whole of what had now become England, leaving it, however, a refuge among the remnants of the British in the extreme south-west, as well as in Wales.[1]

Conversion of the English.

3. The conversion of the English to Christianity began with the mission of Augustine, who was sent with forty clergy into the kingdom of Kent by Gregory the Great, bishop or Pope of Rome, in 597. They converted King Ethelbert and his people; and Augustine, having been consecrated bishop in France, established his see at the capital, Canterbury. Ethelbert's nephew, Sibert, king of the East Saxons, also embraced the Faith, and founded two great churches in or near his capital, London; one of which he dedicated to St. Paul, on the spot where the successive cathedrals of the metropolis have since stood; while he dedicated the other to St. Peter, on the site where the abbey of St. Peter, Westminster, was afterwards erected. At the same time Mellitus became the first Anglican bishop of London; but on the death of Sibert in 616, London and Essex for a time reverted to Paganism. Shortly afterwards, however, Christianity was introduced into the kingdom of Northumbria by Paulinus, one of the Kentish clergy, who was consecrated bishop, and converted the king and a number of his subjects, founding a church on the site of the present minster at York. But here also there was a relapse into heathenism after the king had been defeated and slain by the heathen king of the central kingdom of Mercia; and Paulinus was expelled from the country. On the other hand, the

[1] But up to 580 there was still a bishop in York and probably also in London, so that in those cities not more than a generation elapsed between the total suppression of Christianity and its reintroduction.

people of Wessex, further south, were evangelised by Birinus, a missionary sent from Rome, and the East Anglians in part by Felix, a bishop from Burgundy, and in part by Finsey, a monk from Ireland; and in no long time the throne of Northumbria was recovered by Oswald, a scion of the royal line, who had taken refuge in Scotland, and had there imbibed Christianity from the followers of St. Columba. He summoned thence to his kingdom Bishops Aidan and Finan, who, with a body of clergy, recovered Northumbria to Christianity, but according to the old British form. Thence, according to the same form, it spread into Mercia, where Chad became bishop of Lichfield, and in 654 it was restored in the kingdom of the East Saxons, where his brother Cedd became the second Anglican bishop of London.

Council of Whitby.

4. All the English had thus practically become Christians, with the exception of the South Saxons, who were not converted until towards the close of the seventh century. But some were followers of the Roman use, and others of the British, and they were, therefore, divided as to (i.) the day for observing Easter when the Paschal full moon fell on a Sunday, (ii.) the form of the tonsure on the heads of monks and clergy, and (iii.) the rites to be observed at Baptism. When at the court of Oswy, king of Northumbria, some of the clergy were celebrating the feast of Easter, while others were still keeping the Lenten fast, the state of things became intolerable; and in 664 he summoned a conference or council at Whitby (then called Strenœshalch), to discuss the disputed points. As the result of this conference, Oswy decided in favour of the Roman use, and carried with him the majority of bishops and clergy who had previously practised the British rites. Those who declined to abandon them withdrew to Scotland.

Consolidation of the Church.

5. This ceremonial union paved the way for the organic union of the whole English Church; which, in spite of the people being still civilly divided into seven kingdoms, was effected by Archbishop Theodore during his tenure of the see of Canterbury, from the year 669 until 690. His primacy was acknowledged by the whole English people; and they therefore became united into one Church of England at least one hundred and forty years before they could in any sense be said to be civilly united into one kingdom of England; which on the earliest computation was first effected under Egbert in 832. But the inroads of the Danes, and the dissensions among the English themselves, in fact postponed the final fusion of the country into one realm until the close of the tenth century.

The Church in Wales.

6. In like manner the Christian people of Wales became ecclesiastically united to the English Church long before they became subjects of the English Crown. The Welsh dioceses constituted that part of the old British Church which was not overwhelmed by the flood of paganism introduced by the English settlers. Their original sites and boundaries are not exactly known. But the present see of St. David's takes its name from Bishop David, who died in 601. That of Bangor was consolidated by his contemporary, Daniel or Deiniol: and those of St. Asaph and Llandaff acquired their present locations at the commencement of the seventh century. No Welsh bishop was present at the Council of Whitby. But the use there settled was adopted early in the eighth century by the diocese of Bangor, and not long afterwards by the other dioceses. In the time of Alfred the Welsh dioceses were in complete communion with the Church of England, as is evidenced by the fact that during his

reign Cameliac, on his appointment to be Bishop of Llandaff, applied to Ethelred, archbishop of Canterbury, for consecration; and similar applications were made during the tenth and eleventh centuries. In the reign of Edward the Confessor, the English diocese of Hereford was for several years administered by one of the Welsh bishops. Shortly after the Conquest, the Norman prelates whom William and his successors procured to be appointed to the Welsh sees, acknowledged the metropolitan jurisdiction of the see of Canterbury, and began to be summoned to and to attend synods and legatine councils, as bishops of the province of Canterbury;[1] a practice which has ever since been maintained.

Archbishoprics of Canterbury and York.

7. When Gregory sent Augustine to England he contemplated the establishment of two metropolitan or archiepiscopal sees, one at London and the other at York, as being the ancient capitals of Britain. But the fact that Canterbury not only was the earliest Christian city of the English people, but never relapsed into heathenism (while London, after embracing the Faith, quickly returned to paganism for another half-century, and was then re-converted by a bishop who followed the British and not the Roman use), led to the southern archbishopric being permanently attached to the capital of Kent. Moreover, as regards York, Paulinus, who first went there to found the northern archbishopric, failed, as has been already mentioned, to maintain his footing in Northumbria; and when Chris-

[1] There appears to have been previously an ambulatory primacy among them, generally held by the Bishop of St. David's or the Bishop of Llandaff. In 1115, Bernard, the first Norman Bishop of St. David's, endeavoured, without success, to obtain the recognition of that see as a permanent archbishopric for Wales.

tianity was restored there by the British bishops, they made no attempt to constitute a separate ecclesiastical province. It was not until 734 that the Bishop of York acquired the dignity of a metropolitan. In 787 a third archbishopric, that of Lichfield, was created for the powerful kingdom of Mercia, whose monarch, then the Bretwalda, or overlord of England, resented the existence of metropolitans in two of the other kingdoms while he had only a subordinate bishop in his own. But this did not meet with general acceptance, and was cancelled in 803. The exact relations between the two archbishops of Canterbury and York for some time continued to be in dispute. Gregory had contemplated that the senior of them for the time being should have the precedence. But the southern archbishops resisted this solution of the question, and the matter was not finally settled until 1072, when it was decided in favour of Canterbury by councils held at Winchester and Windsor. The precedence of the Bishops of London and Winchester over the other prelates was at the same time determined.[1] In accordance with this decision Anselm was in 1093 consecrated Archbishop of Canterbury with the title of Primate of All England, and this has since been accepted as the proper designation of the Archbishop of Canterbury. To the Archbishop of York was accorded the title of Primate of England.

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[1] As to the precedence of the Bishops of London, Durham, and Winchester, see (1539) 31 Hen. 8, c. 10, s. 3.

CHAPTER II.

Relation to the Papacy.

The Roman Patriarchate.

1. The Whitby decision (*see* Chap. I. s. 4) naturally promoted that submission of the Church of England to the Popes of Rome as the patriarchs of Western Christendom, which became more pronounced after the Norman Conquest, and lasted until the Reformation. One of its immediate consequences was the joint request from the English kings to Pope Vitalian to select an archbishop of Canterbury, which led to Theodore of Tarsus being raised to that dignity.

Supremacy of the Papacy.

2. But it was only by degrees that the pretensions of the Papacy rose to the height to which they ultimately attained. The Bishop of Rome at first merely occupied the position of one among many patriarchs in the Christian Church, who were superior to archbishops or metropolitans, and united several ecclesiastical provinces in their patriarchates, but were independent of one another. In the days when Britain was part of the Roman Empire, there was a patriarch of York. There were also at that time patriarchs of Lyons, Toledo, and Milan. But the civil pre-eminence of Rome gave to her bishop a special dignity; and when the heathen or Arian barbarians over-ran the empire, the subject Christian populations naturally looked for spiritual support and guidance to the same place from which they had been accustomed to receive protection and directions in civil matters. The other Western patriarchates dis-

appeared, and the Pope or bishop of Rome became patriarch over the whole of Western Christendom. The general adoption of the Roman use which resulted from the Council of Whitby brought the whole Church of England within the jurisdiction of this patriarchate.

Submission to the Papacy.

3. But the authority of the Pope was by no means regarded as absolute. While Theodore was archbishop of Canterbury (*see* Chap. I. s. 5), Wilfrid, the bishop of York, appealed in person to Rome against a sub-division of his diocese without his consent; and obtained a papal decision in his favour. But on his return to England, instead of deference being paid to this decision, he was not only deprived of his bishopric, but was thrown into prison by the order of the King and the Witenagemote of Northumbria. Again, some three centuries later, a powerful earl, who had been excommunicated by Archbishop Dunstan for contracting an incestuous marriage, appealed to Rome against the sentence. The Pope sent a command to Dunstan to grant absolution to the offender; but Dunstan absolutely refused to comply unless the earl forsook the sin for which excommunication had been pronounced. To act otherwise would, he said, be contrary to the law of CHRIST, and this law he declined to break for the sake of any mortal man, or on account of any consequence which might result to himself.

The fact that the early English Church was more independent of the papal see than were the continental Churches of Western Europe, may have been owing in part to the intermixture of the non-Roman element of British Christianity, and in part to her insular position; but it was mainly due to two other circumstances. (i.) There had been in England no looking to Rome by a subject Christian population

for guidance and assistance when oppressed by heathen or Arian rulers, as was the case on the continent. The English rulers had for a time effectually stamped Christianity out of the part of the island which they subjugated. And when it was reintroduced, it did not spread upwards from the lower to the higher classes, but conversion began with the kings and nobles and spread downwards among the people. Hence, from the first, our Church was intensely national and closely connected with the State, and was therefore less closely connected with Rome. (ii.) Moreover, the subjection of the continental Churches to the Popes of Rome was largely brought about by the restoration, under Charlemagne and his successors, of the Imperial Roman idea under the title of the Holy Roman Empire, which was for centuries maintained in theory, and was more or less practically realised in Western Europe. According to this idea all Christian nations formed one family or confederation under the Pope as Vicegerent of GOD in spiritual matters and under the Emperor as His Vicegerent in civil matters. But this idea in its civil or temporal aspect was never acquiesced in by the English people as extending to their country. The Bretwaldas or overlords in the times of the Heptarchy, and the kings of England afterwards, assumed the Latin title of *Imperator*, and its Greek equivalent *Basileus*, which were the titles in old times of the Roman Emperors, and during the middle ages were not accorded to any prince on the continent except the head for the time being of the Holy Roman Empire, or of the Greek Empire at Constantinople. When, therefore, the kings and people of England stoutly maintained their independence of the temporal head of the Holy Roman Empire, it was natural for them also to resist the claims of the Pope to spiritual headship over the English Church. And, in

fact, King Edgar, during the primacy of Archbishop Dunstan, speaks of having, as the vicar of CHRIST, remedied abuses in certain monasteries in his kingdom. And in the so-called laws of Edward the Confessor, which although probably not actually attributable to that monarch, are certainly of a not much later date, the following language occurs: 'The king, inasmuch as he is the vicar of the King of kings, is set not only to rule over the earthly realm and the LORD'S people, but above all to reverence and rule the Holy Church and to defend her from injurious persons, and to eject from her all evil-doers, and utterly overthrow and destroy them.' It was, in fact, the absence of entire subordination on the part of pre-Norman England to the Roman see which led the Pope to take a keen interest in the invasion of the country by the Normans, who from their continental position were in more complete subjection to him, and to regard it as a sort of crusade against the English national Church. The results of the conquest during the next 450 years went far to justify the expectation of the Roman pontiff. But these results were not brought about immediately, nor without some severe struggles. When the Pope demanded homage of William the Conqueror for the realm of England, he refused it on the ground that his predecessors on the throne had never paid it to former popes.[1] Moreover, during his reign, no pope was allowed to be acknowledged in England except with the king's consent, and no papal bulls had authority in the country until they had been approved by the king.[2]

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[1] *Eadmeri Historiæ Novorum*, ed. Selden, 1623, p. 164.

[2] *Ib.* p. 6. 'In fact, there was no time when the royal supremacy in matters ecclesiastical was more fully carried out than it was in the days of the Conqueror.' (Freeman's *History of the Norman Conquest*, vol. iv. chap. xix. p. 437.)

Papal Legates. 4. Yet even in this reign, as well as previously, instances occurred of papal legates acting in England on special occasions for particular purposes. In 1070, two papal legates crowned William I. a second time at Winchester; held a synod at which an English prelate and some English abbots were deposed; and consecrated a new Bishop of Winchester. In 1114, however, Pope Paschal took the step of appointing a permanent legate for England. But Henry I. forbade him to enter the country, and it was not until eleven years afterwards that the Court of Rome carried its point, and, favoured by the jealousy subsisting between the two English archbishops, and by the desire of the king to obtain the support of Rome to the claims of his daughter Matilda to succeed him on the throne, procured the first admission into England of papal legates for general purposes, who afterwards even presided over councils of the English Church. In 1127, in order to establish once for all his supremacy over the northern primate, Archbishop William of Canterbury consented to be permanently invested with the office of papal legate. This position was afterwards confirmed to all holders of the see of Canterbury, as *legati nati;* and the vassalage of the English Church to the papal see, involved in the arrangement, was clinched by the reservation of a right on the part of the Pope to suspend at any time the power of the *legati residentes* by a specially appointed legate, who was called a *legatus a latere*—a legate sent direct from Rome or 'from the side' of the Pope—and who would in all cases be a foreigner.

Statutes of Provisors and Præmunire. 5. In 1307, just before the close of Edward I.'s reign, the English parliament passed the first of a series of anti-papal Acts. It was specially directed against the conduct of

William de Testa, the Pope's agent, who had illegally levied sums out of Church revenues, and was about to carry them to Italy for the use of the Pope. This Act was followed in the reign of Edward III. and the three succeeding reigns by the Statutes of Provisors and Præmunire. The Statutes of Provisors [1] forbade the procuring from the Pope of any provisions—that is to say appointments to dignities or ecclesiastical benefices—whereby the rights of the persons lawfully entitled to elect, present or appoint to such posts, should be superseded. Provisors, or persons who procured these provisions, were to be outlawed, their property was to be forfeited to the King, and they were to be imprisoned during his pleasure. If the Pope appointed to a bishopric or benefice, the patronage was to be forfeited to the Crown. The Statutes of Præmunire [2] — so called from the first word of the writ addressed to the sheriff when a case occurred for putting them into execution—condemned to imprisonment during the King's pleasure and to total forfeiture of property any person who should sue a subject of the King in a foreign court or appeal to a foreign court against a judgment or sentence of the King's court, and any person who should purchase, procure, or bring into the realm bulls or excommunications from Rome affecting the King or a subject of the King. The penalties of Præmunire were afterwards extended to other offences against the royal prerogative. These statutes drew from Pope Martin V. the complaint that no Christian states had made ordinances contrary to the liberty of the Church except England and Venice. In spite of repeated protests they were never repealed, but

[1] (1350) 25 Edw. III. st. 4; (1363) 38 Edw. III. st. 2; (1388) 12 Ric. II. c. 15; (1389) 13 Ric. II. st. 2, c. 2; (1400) 2 Hen. 4, c. 3.

[2] (1353) 27 Edw. III. st. 1, c. 1; (1392) 16 Ric. II. c. 5.

remained on the statute-book as precedents for later more drastic legislation.

The Reformation. 6. Complete emancipation of the Church of England from the see of Rome was effected in Henry VIII.'s reign by a series of Acts of Parliament, among which the principal were those which prohibited the payment of firstfruits and tenths and Peter's pence to the Pope, and the obtaining from him of palls and bulls on the accession of archbishops and bishops, and, above all, the famous Statute of Appeals (24 Hen. VIII. c. 12) passed in 1533, which enacted that no appeals should thenceforth be carried to Rome, but that all causes should be finally decided within the realm.[1] In consequence of these proceedings Pope Paul III. drew up a bull of excommunication and deposition against Henry VIII., but did not actually publish it until 1538.

Reign of Queen Mary. 7. The anti-papal laws were repealed at the commencement of Queen Mary's reign, and, on the petition of Parliament and Convocation, the Church and realm of England were received back into submission and communion with the see of Rome. But even Mary did not abjectly comply with every Papal requirement. Pole, after having been consecrated Archbishop of Canterbury in the place of Cranmer, incurred the displeasure of the Pope, who revoked his commission as papal legate and appointed

[1] See further Chap. III. ss. 13, 14, below. The question 'whether the bishop of Rome has any greater jurisdiction given him by God in the Holy Scriptures within the kingdom of England than any other foreign bishop' was answered in the negative by the Lower House of the Canterbury Convocation on March 31, 1534, and by the York Convocation on May 5 in the same year. The prelates had already given their votes in the same sense in Parliament.

Peto in his place. Thereupon Mary ordered the ports to be guarded to prevent communication with Rome, and forbade Peto, who was abroad at the time, to enter the country, threatening him with the penalties of Præmunire if he did so. At the same time she wrote a strong letter to the Pope, expressing it to be her pleasure that Pole should continue legate. The Pope eventually considered it prudent to yield, and reinstated Pole in the office.

Accession of Queen Elizabeth.

8. Upon the accession of Queen Elizabeth the bulk of the Reformation statutes of her father and brother were revived; and the final severance of the Church of England from the Roman communion was brought about in 1570, eleven years afterwards, by the publication by Pope Pius V. of the bull *Regnans in Excelsis*, which declared the excommunication and deposition of the Queen, and forbad her Roman Catholic subjects to attend the services of the Church of England. Since that date the Roman Church has not regarded Anglican orders as valid; but the Church of England has continued to recognise the validity of Roman orders; so that if a Roman Catholic priest joins the Church of England, he is admitted into her ministry without re-ordination.

Admission of Converts from the Roman Church.

9. It is needless to say that converts from the Roman Church are not required to be re-baptized or re-confirmed on joining the Church of England. It seems, however, never to have been authoritatively decided whether re-confirmation should be refused to a convert who is not conscientiously satisfied that the *alapa*, or tap on the cheek, by which the rite is administered in the Roman Church, sufficiently represents the Apostolic ordinance of the laying on of hands. In 1714 Convocation approved a form for admitting

converts from the Roman Church to the Church of England.[1] But it was never authoritatively promulgated; and the formalities to be observed are at present left in the discretion of the admitting minister, who should, however, in all cases act under the direction of the bishop.

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[1] See Wilkins, *Concilia*, vol. iv. pp. 660-2.

CHAPTER III.

Relation to the State.

Meaning of 'Established.'

1. The relation of the Church of England to the State is popularly denoted by the statement that it is 'established.' As will be seen later on,[1] this expression as applied to the Church is of comparatively recent use. It has no necessarily fixed meaning. In some senses every form of religion which is recognised by the State and for the exercise of which the State has afforded facilities by legislation may be said to be established.[2] But the Church of England is in a special sense established, in that it is and always has been the recognised exponent of the nation's religion; and therefore, the State, as representing the nation, has a necessary concern in its affairs. What, however,

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[1] See below, s. 18 and note.

[2] Lord Mansfield, in delivering judgment in the House of Lords in the case of Harrison *v.* Evans (3 *Brown's Parl. Cases*, 465) in 1767, said: 'The Toleration Act renders that which was illegal before now legal; the Dissenters' way of worship is permitted and allowed by this Act; it is not only exempted from punishment, but rendered innocent and lawful; it is established; it is put under the protection, and is not merely under the connivance of the law' (Furneaux's *Letters to Blackstone*, 2nd ed. London, T. Cadell, 1771, appx. p. 265); and in 1762, in Rex *v.* Barker (*William Blackstone's Reports*, 352), he had said that charities for the Dissenters' mode of worship had been established since the Revolution, though held to be superstitious before. Certainly, the Primitive Wesleyan Methodist Society of Ireland Act, 1871 (34 & 35 Vict. c. 40), very effectually established that body both as to its fundamental principles and as to its alterable regulations.

is precisely involved in the fact of the establishment of the Church, can only be understood by examining the history and details of its connection with the State.

Pre-Norman Times.

2. In most cases, throughout its career, Christianity has begun with the humblest ranks of the people, and from them has spread upwards. But in all the kingdoms of the Heptarchy the contrary was the case. The kings and nobles were first converted, and the people followed their example. As a natural consequence, the civil rulers from the first took an active interest in ecclesiastical affairs, and were accorded a share in their administration. Oswy, king of Northumbria, presided over the Council at Whitby which decided the whole future of the Church of England. The kings and witenagemotes of Northumbria and Mercia concurred with Archbishop Theodore in the creation of new dioceses in those two kingdoms. The elevation of the bishopric of Lichfield into an archiepiscopal see (Chap. I. s. 7.) was the achievement of a Council held at Chelsea in 787, under the presidency of Offa, king of Mercia, as Bretwalda or overlord of the English kingdoms. The abrogation of this dignity in 803, involving the restoration of the Mercian and East Anglian dioceses to the province of Canterbury, was ratified by the Council of Clovesho, at which not only the Archbishop of Canterbury and eleven bishops of the provinces of Canterbury and Lichfield were present, together with many abbots and presbyters; but also Kenulf, king of Mercia, and some of his nobles. And although councils, consisting exclusively of bishops, or of bishops and ecclesiastics, were not unfrequently held, the witenagemotes, in which bishops and other great churchmen, as well as the leading laity of the realm, had seats, were recognised as having an interest in

Church affairs, and entitled to legislate upon them. Thus we find the witan of Wihtred, king of Kent, at the close of the seventh century, passing a law that a priest who delayed baptizing a sick person should be suspended at the will of the bishop. The contemporary laws of Ina, king of Wessex, direct, among other things, that an infant shall be baptized within thirty days of its birth. The codes of Alfred, Edgar, and Cnut, prescribed the observance of Sundays, festivals, and fast-days, and regular attendance at the house of God. Those of the last-named king also enjoined that bishops and abbots, monks and nuns, and ministers of God, should live regular lives, and be constant in prayer and intercession, and that the laity should communicate at least three times a year, and learn the Lord's Prayer and the Creed.

Ecclesiastical Causes.

3. Moreover, until the Conquest, there was no distinction between ecclesiastical and civil tribunals. The bishop and the ealdorman sat in the county court, or shire-moot, by the side of the sheriff—the shire-reeve, or chief magistrate of the county or shire; and the three together adjudicated upon clerical and lay causes alike, upon disputes which affected the Church, as well as those which concerned the State.

Appointment of Bishops.

4. The right of the king and his witan to a voice, more or less paramount, in the appointment to the bishoprics in the realm, was universally recognised and exercised before the Conquest. It was, in fact, a perpetuation, in a modified form, of that share in the selection of bishops which had been possessed by the laity from the earliest ages of the Christian Church. They had originally been elected by the whole body of clergy and laity in the diocese with the assent of the other bishops of the province. After the accession of Constantine to the imperial throne, the consent of

the Roman Emperors to the choice of a bishop came to be essential, and this right of consent was accorded to the sovereigns of the kingdoms which were afterwards founded on the ruins of the Empire in Western Europe. Meantime, owing, in part, to the tumults to which the elections gave rise, the share of the laity as a body in these elections was gradually lost; and that of the clergy became confined to the members of the cathedral chapter of the diocese to which the bishop was to be appointed.[1]

Effect of the Norman Conquest.

5. As already mentioned (Chap. II. s. 3), the ultimate effect of the Norman Conquest was to intensify the connection of the English Church with Rome and her subjection to Papal authority. A disturbing element was thus introduced into the relations between the Church and the State in England, which led to continual conflict, with varying results, until the Reformation. But owing to the masterful character of William the Conqueror, these consequences did not become immediately apparent. He assumed to the full the control over the ecclesiastical as well as civil affairs of the country to which his predecessors had held that the wearing of the imperial crown of England entitled them. He and his Council deposed most of the English prelates and abbots; and their Norman successors were appointed by him and approved by his Council. The bishops in synod were not permitted to make any decree without his licence, nor could any of his vassals or officers be tried by the Church courts for an ecclesiastical offence or be excommunicated without his permission. In fact, there was no period in the history of England when the royal supremacy in

[1] Burn's *Ecclesiastical Law*, vol. i. pp. 194, sqq. 198 sq. (tit. 'Bishops').

matters ecclesiastical was more fully carried out than in the days of the Conqueror; for even Henry VIII. never asserted the right to restrain excommunications or purely Church censures.

Struggle as to Investitures.

6. The Conqueror's sons, William Rufus and Henry I., claimed to exercise the same supremacy over the Church as their father, particularly in the matter of nominating to bishoprics and investing the newly-appointed bishops with the rights and temporalities, or endowments, attached to their sees, requiring them in return to do homage to the Crown. This led Henry I. into a long struggle with the Pope, which at last was terminated by a compromise. Henry gave up his claim to invest bishops with the ring and crozier, which savoured of a pretension on the part of the Crown to bestow upon them spiritual authority. On the other hand, it was arranged that bishops should continue to be invested by the king with the temporal endowments of their sees, and should previously take the oath of homage to him. Henry also surrendered the right of nominating to a bishopric independently of the cathedral body; but it was ordained that this body should in every case make the election at the king's court, and he thus provided for their choosing the candidate favoured by himself.[1] This was subsequently attempted to be secured by the *congé d'élire*, or licence to elect, which, by a charter of King John, was required as a necessary preliminary to every election. Previously, however, to the Reformation, the actual share of the Sovereign in the appointment of the bishops varied according to his personal authority and the temper of the times.

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[1] *Eadmeri Historiæ Novorum*, lib. iv. ed. Selden, 1623, p. 91; Stubbs, *Constitutional History*, vol. i. p. 317.

Councils and Synods.

7. In Henry's reign, too, the right of the archbishop to hold ecclesiastical councils or synods was defined. During the struggle a general council of the bishops and abbots of England had been held by Henry's permission at Westminster (A.D. 1102) at which the king and his chief nobles had also been present, and some important canons had been enacted. But in connection with the compromise it was determined that the Archbishop of Canterbury might hold a council whenever he pleased, on obtaining the king's permission for it to meet and legislate, without any further permission on the part of the Great Council of the realm, as the old English witenagemote had by that time come to be called.

Ecclesiastical Courts. Canon Law.

8. In spite of his general policy of retaining a control over Church affairs, William the Conqueror effected one change which had far-reaching consequences. He separated the ecclesiastical and civil jurisdictions, ordaining that the bishops should no longer sit with the sheriffs in the courts of the hundred or the shire, but should administer the Church laws in separate courts of their own. About half a century later, in the reign of Stephen, the Roman canon law was introduced into the English ecclesiastical courts;[1] so that they thenceforth administered a different code to that which was recognised in the civil courts. This naturally led to collisions between the two jurisdictions; especially as it was a principle of the canon law

[1] This was effected by Archbishop Theobald in 1143. He had previously sent Thomas à Becket (who succeeded him in the primacy) to Bologna to study the law. Gratian's *Decretum*, or Digest of Canon Law, was completed a few years later, and thenceforward became the text-book in the English ecclesiastical courts.

that the clergy should not be tried by the civil courts, but should be amenable only to the ecclesiastical tribunals. 'Benefit of clergy,' as it was called, was claimed not only by bishops, priests, and deacons, but by all who were in any kind of orders, or were in the service of the Church in any capacity.

Constitutions of Clarendon.

9. In the reign of Henry II. matters were brought to a crisis by the gross immorality of the clergy and their dependents who, like themselves, were held entitled to benefit of clergy, and by the immunity from punishment which they enjoyed by reason of their exemption from the jurisdiction of the criminal courts of the realm. Henry, who had improved the administration of the law in other respects, was anxious to strike at this evil. A discussion of the subject took place at a meeting of the Great Council at Westminster in 1163, which resulted in Archbishop Becket and the other prelates consenting to observe the ancient customs of the realm. But in order to make a definite arrangement for the future, the king summoned another meeting in the following year at Clarendon, near Salisbury. All the prelates and a large number of barons attended, and after a long consultation as to what the ancient customs actually were, they were drawn up in sixteen 'constitutions' or ordinances. In these constitutions the custom on the point specially in dispute was thus expressed: 'Clerks accused of any crime shall, when summoned by the king's justice, come into the king's court to answer there for whatsoever it shall be determined they ought to answer there, and in the ecclesiastical court for whatever it shall be determined they ought to answer there; yet so that the king's justice shall send into the court of Holy Church to see in what way the matter shall be there handled; and if the clerk shall confess and be convicted, the Church for

the future shall not protect him.' The Constitutions also distinctly recognised the royal supremacy by declaring that in case of failure to obtain justice in the archbishop's court, an appeal lay to the king, and that no further appeal should be made without the king's consent. Becket, after considerable hesitation, assented to the Constitutions: but he shortly afterwards revoked his assent. The quarrel between him and the king continued, and ultimately ended in the murder of Becket in Canterbury Cathedral. This tragical event completely turned the scale of victory which had been inclining towards the king. The popular clamour which it excited forced him to submit to the policy of which the archbishop had been the upholder. The Constitutions of Clarendon, though not actually abrogated, became for a time a dead letter, and the clergy continued exempt from the jurisdiction of the civil courts.

Restrictions on Benefit of Clergy.

10. The first effective limitation upon benefit of clergy was put by an Act of Henry VII., in 1489, which, after reciting that persons trusting in this privilege of the Church, had boldly committed murder, robbery, and other offences, ordained that persons in minor orders should have benefit of clergy only once, and should be branded with 'M' if murderers, and with 'T' if thieves. But if a culprit was in higher orders, he was to escape even this infliction, and was to be left to the jurisdiction of the spiritual courts. An Act of eight years later took away benefit of clergy from persons in minor orders, who should be accused of murdering or attempting to murder the king; and this provision was in 1512 extended to all cases of murder or robbery with violence, by a statute of the fourth year of King Henry VIII., which excited great opposition, and was only in force for a short time. The abuse was,

however, dealt with more effectually nineteen years later.[1]

Convocation.

11. In the thirteenth century, about the time when burgesses from the towns and knights of the shire from the counties began to be summoned to Parliament for the purpose of assenting to the taxation of the people, the practice was commenced of summoning in each of the two provinces of Canterbury and York proctors, procurators, or representatives of the parochial clergy, to meet with the bishops and other higher ecclesiastics for the purpose of agreeing as to the subsidies from their revenues which should be paid to the king as the clerical contribution towards the necessary finances of the State. These assemblies were called Convocations; and before 1293 Edward I. on various occasions summoned them by royal writ. But in that year he conceived the idea of summoning the clergy to attend in Parliament as a sort of Third Estate. This was resented by them as an invasion of their liberties, and a struggle ensued between them and the Crown, which, after lasting more than twenty years, resulted in a compromise effected in 1315, by which the issue of the Convocation writs has since been regulated. Edward II. abandoned not only the claim to summon the clergy to Parliament, but also the claim to summon them directly by his own writ. On the other hand the archbishops disclaimed the power of summoning their Convocations by their own

[1] Benefit of clergy survived as late as the nineteenth century in mitigation, for first offences in certain cases, of the savage criminal law which formerly prevailed in England, imposing the penalty of death for all felonies, whether serious or trifling. Just as the word 'clerk' has no longer an exclusively ecclesiastical meaning, but is applied to secular scribes, so benefit of clergy was early extended to all individuals who could read. And ultimately all persons, including women, were alike allowed to take advantage of it, except where it was expressly excluded by statute.

authority. It was arranged that the king should issue his writ to each archbishop commanding him to summon the Convocation of his province, and the archbishop should then convene the assembly by his own mandate. But just as the House of Commons, which met in the first instance for the sole purpose of voting supplies to the king, soon took part in all the business of the realm, so the Convocations, whose business was originally confined to taxation, gradually dealt with the spiritual concerns of the Church as well, and, before the Reformation, had practically superseded the provincial councils or synods, which had been composed of the bishops only.

Writs of Summons to Parliament.

12. But at the same time the civil legislature did not consider that its functions with respect to ecclesiastical matters were at an end. These functions were expressly recognised in the king's summons to Parliament issued in the forty-sixth year of Edward III. (A.D. 1372), which announced that it was to be held 'super arduis et urgentibus negotiis . . . statum et defensionem regni nostri Angliæ et ecclesiæ Anglicanæ contingentibus' ('upon arduous and pressing matters . . . affecting the state and defence of our realm of England and the Church of England'). This mention of the Church was repeated in all subsequent parliamentary writs until 1872, when the form was abbreviated.

The Reformation. Preamble to Statute of Appeals.

13. The relations between the Church and the State were authoritatively settled at the Reformation. The royal supremacy was then defined; the control of the Sovereign and Parliament over Church legislation was asserted; the final appeal to the Sovereign from the ecclesiastical courts was secured; and the mode

of appointing bishops was fixed. All these measures were considered at the time not to involve the introduction of any new principles, but simply to be a reassertion of old principles which, in the lapse of ages, had become obscured.[1]

Royal Supremacy.

14. In the reign of Henry VIII. the Royal Supremacy was defined first by an acknowledgment of the Convocations in 1531, that the King was the singular protector, the only and supreme lord, and, so far as was permitted by the law of CHRIST, the supreme head of the Church of England; and then by an Act of Parliament of 1534 (26 Hen. VIII. c. 1), which

[1] This is evident from the preamble of the Statute of Appeals (24 Hen. VIII. c. 12, A.D. 1532), which affirms that 'by divers sundry old authentic histories and chronicles it is manifestly declared and expressed that this realm of England is an empire and so hath been accepted in the world, governed by one supreme head and king having the dignity and royal estate of the imperial crown of the same, unto whom a body politic compact of all sorts and degrees of people divided in terms and by names of spiritualty and temporalty, is bound to bear, next to GOD, a natural and humble obedience . . . the body spiritual whereof having power, when any cause of the law divine happened to come in question or of spiritual bearing, then it was declared interpreted and shown by that party of the said body politic called the spiritualty, now being usually called the English Church, which always hath been reputed and also found of that sort that both for knowledge integrity and sufficiency of number it hath been always thought and is also at this hour sufficient and meet of itself without the intermeddling of any exterior person or persons to declare and determine all such doubts and to administer all such offices and duties as to their rooms spiritual doth appertain, for the due administration whereof and to keep them from corruption and sinister affection the king's most noble progenitors and the antecessors of the nobles of this realm have sufficiently endowed the said Church both with honour and possessions: and the laws temporal for trial of propriety of lands and goods and for the conservation of the people of this realm in unity and place without ravin or spoil was and yet is administered adjudged and executed by sundry judges and administers of the other part of the said body politic

declared that the King should be taken, accepted, and reputed the only supreme head in earth of the Church of England, called *Anglicana Ecclesia*, and should have and enjoy, annexed and united to the imperial crown of the realm, as well the title and style thereof, as all honours, dignities, pre-eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same Church belonging and appertaining. The same title was assumed by Edward VI., and even at first by Mary. But the Act was repealed in the second year of her reign, and was

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called the temporalty, and both their authorities and jurisdictions do conjoin together inthe due administration of justice the one to help the other.' The same preamble then proceeds to affirm that 'the King's most noble progenitors and the nobility and commons of this said realm at divers and sundry Parliaments as well in the time of King Edward the First, Edward the Third, Richard the Second, Henry the Fourth, and other noble Kings of this Realm, made sundry ordinances laws statutes and provisions for the entire and sure conservation of the prerogatives liberties and preeminences of the said imperial crown of this realm and of the jurisdictions spiritual and temporal of the same to keep it from the annoyance as well of the see of Rome as from the authority of other foreign potentates attempting the diminution or violation thereof as often and from time to time as any such annoyance or attempt might be known or espied. And notwithstanding the said good statutes and ordinances made in the time of the king's most noble progenitors in preservation of the authority and prerogative of the said imperial crown as is aforesaid yet nevertheless since the making of the said good statutes and ordinances divers and sundry inconveniences and dangers not provided for plainly by the said former Acts statutes and ordinances have risen and sprung by reason of appeals sued out of this realm to the see of Rome in causes testamentary causes of matrimony and divorce, right of titles oblations and obventions not only to the great inquietation vexation trouble costs and charges of the King's Highness and many of his subjects and residents in this his realm but also to the great delay and let to the true and speedy determination of the said causes for so much as the parties appealing to the said court of Rome most commonly do the same for the delay of justice.'

not revived on the accession of Elizabeth. That queen never adopted the title of head of the Church, nor has it been borne by any of the subsequent sovereigns. The Act (1 Eliz. c. 1), passed at the beginning of her reign, prescribed an oath of Supremacy to be taken by all ecclesiastical persons and all civil officials in the following terms :—

'I, A. B., do utterly testify and declare in my conscience that the Queen's Highness is the only supreme governor of this realm and of all other Her Highness' dominions and countries, as well in all spiritual or ecclesiastical things or causes as temporal . . .'

Church Legislation.

15. The control of the Sovereign, and, incidentally, of Parliament, over Church legislation was clinched by the Act of Submission of 1533 (25 Hen. VIII. c. 19), which recited that the Convocation of the clergy had submitted to the Crown, and in accordance with the terms of that submission enacted that the Convocations should not make or promulge any canons, constitutions, or ordinances without the royal assent and licence ; nor, even with that assent and licence, any which should be contrary to the laws or customs of the realm. Inasmuch as the regulations and customs of the Church are part of the laws and customs of the realm, it follows from this last provision that, in order to make an effective change in the law of the Church, the alteration must be made or ratified by Parliament, which is the only body possessed of power to modify the law of the land.

Final Appeal in Church Suits.

16. As already mentioned, the Statute of Appeals prohibited appeals to Rome from the decisions of the ecclesiastical courts of the realm. The Act of Submission provided that, for lack of justice in the archbishops' courts, a party might appeal to the king in chancery, and that upon every such appeal

a commission should be directed under the great seal to such persons as the king should name, and their sentence should be final. The appellate tribunal thus constituted was called the Court of Delegates, and, as contemplated by the enactment which created it, was a fluctuating body. Whenever an appeal was presented to the sovereign, a certain number of ecclesiastics and laymen, distinguished for their learning and legal proficiency, were appointed to form the court for determining it. This procedure continued till 1832, when the hearing of the appeals was transferred to the Judicial Committee of the Privy Council.

Appointment of Bishops.

17. The appointment of bishops to the English sees was regulated by another Act of 1533 (25 Hen. VIII. c. 20). On every vacancy the king was to send to the prior and convent, or dean and chapter, of the cathedral church of the diocese (as of old time had been accustomed) a *congé d'élire*, or licence to elect, together with a letter missive, naming the person to be elected; and this person and no other was to be elected; and if his election was delayed, the king was to have power to nominate by letters patent. On the election being completed, the king's assent to it was to be notified to the archbishop of the province, with a royal mandate to confirm the election and consecrate the person elected. If the appointment was to an archiepiscopal see, the mandate was to be sent to an archbishop and two bishops, or to four bishops. The Act was repealed in Edward VI.'s reign, and the appointment to sees was ordained to be by letters patent. But the procedure by *congé d'élire* was revived at the commencement of Elizabeth's reign, and has ever since continued to be the prescribed method, except in the case of the newly created dioceses, in which there is

no cathedral chapter. In these the appointment is by letters patent.[1]

Revolution of 1688.

18. Previously to the Revolution, there was no actual law requiring the sovereign to be a member of the Church of England; nor were the relations of the Church to the State denoted by any particular expression. Accordingly the fact of James II. being a Roman Catholic was no bar to his ascending the throne or exercising the royal supremacy in ecclesiastical as well as in civil matters. But his impolitic conduct not only cost him his crown, but also led to measures being taken to prevent a recurrence of the mischief; and the term 'established by law' in reference to religion or the Church first occurs in State documents in connection with these measures.[2] One of the earliest proceedings of Parliament on the accession of William and Mary was to settle a new form of the coronation oath, by which the sovereigns were to swear to maintain to the utmost of their power the laws of GOD, the true profession of the Gospel, and the Protestant reformed religion established by law (1 Will. & Mar. c. 6). In the next session the Act known as the Bill of

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[1] The sovereign now, according to present constitutional practice, invariably appoints bishops on the recommendation of the Prime Minister of the day; except in the case of the Primate, as to whom it is recognised that the sovereign may exercise the right of personal selection.

[2] The expression 'established' is used in the Statutes of Provisors (see Chap. II. s. 5) in reference to the freedom of election of Church dignitaries which those statutes were designed to secure; and in the Acts of Uniformity of 1552 and 1662, in reference to the Prayer-book thereby enjoined; and the preface to the Thirty-nine Articles (which, however, has only the authority of Charles I., by whom it was put forth) speaks of the doctrine and discipline of the Church of England, and of the Articles themselves, as being established. The first Statute of

Rights declared, among other things, that every person reconciled to or holding communion with the see or Church of Rome, or professing the popish religion, or marrying a papist, should be excluded and be for ever incapable to inherit, possess, or enjoy the crown and government (1 Will. & Mar. sess. 2, c. 2, s. 9). Twelve years later, in contemplation of the probability that the succession would devolve on the Princess Sophia of Hanover and her heirs, it was further enacted that whosoever should thereafter come to the possession of the crown should join in communion with the Church of England as by law established (12 & 13 Will. III. c. 2). This expression, which has since come into common use, does not refer to any particular statute or statutes by which the position of the Church in reference to the State was defined, for none such exist; but it testifies to the fact that, by the common and unwritten law of the land, the Church of England is recognised and treated by the State as the exponent of the nation's religion, although individuals have now perfect liberty to abstain from communion with it, and to join other religious bodies.

Provisors recited that the Holy Church of England had been founded in the estate of prelacy by the king and his progenitors, and the earls, barons, and other nobles of the realm and their ancestors, to inform them and the people of the law of God, and to make hospitalities, alms, and other works of charity in the places where the churches were founded for the souls of the founders, their heirs, and all Christians; and certain possessions of great value as well in fees, lands, rents, as in advowsons, were assigned by the said founders to the prelates and other people of the holy Church of the realm to sustain the same charge. The canons of 1603 speak of the Church of England as 'by law established under the King's Majesty' (Can. 8), and in their ratification by James I. we find the words 'the present estate and government of the Church of England by the laws of this our realm now settled and established.'

Civil Functions and Disabilities of Bishops and Clergy.

19. The intimate connection between the Church and the State which has always subsisted since the English became a nation, has led to many features in the civil position of the bishops and clergy which are not essentials of that connection, and have been, and may be still, further modified without impairing it.

Bishops in the House of Lords.

20. The origin of the right of the bishops to seats in the House of Lords is to be traced back to the place which they held in the pre-Norman witenagemotes. After the Conquest they and the abbots and priors of the leading abbeys and monasteries, who held baronies, sat in the King's Great Council, which eventually became the Upper House of Parliament. At the beginning of the sixteenth century, owing to the gaps in the lay peerage caused by the Wars of the Roses, the ecclesiastical peers formed a majority of that house. But on the dissolution of the monasteries their number was reduced to the occupiers of the twenty-six sees (exclusive of that of Sodor and Man) into which the Church was then divided. In spite of the subsequent large increase in the number of lay peers, this figure has been jealously maintained as the limit of the episcopal bench; the Bishop of Sodor and Man having no voice as a spiritual peer. On the creation of the diocese of Manchester in 1847, which raised the number of bishoprics to twenty-seven, it was determined that the bishop last appointed to any of the sees, except those of Canterbury, York, London, Durham, and Winchester, should wait for his seat in the House of Lords until the occurrence of another vacancy. The same rule was adopted when additional bishoprics were created towards the end of the century; so that now a bishop, unless appointed to

one of the privileged sees, has no seat in Parliament until he has become one of the twenty-six senior bishops on the bench; among whom, however, the occupants of those five sees are always reckoned.

Convocation and Parliament.

21. The clergy continued to tax themselves by voting subsidies in Convocation until 1664, when the practice was discontinued by a verbal agreement between Archbishop Sheldon and Lord Chancellor Clarendon, with the tacit consent of the clergy, who esteemed it as a boon; and in the following year they were for the first time charged with a tax in common with the laity. They were thenceforth recognised as entitled to vote for members of Parliament; but the question whether they were not also eligible to sit in the House of Commons was decided in the negative in 1801 by an Act specially passed to remove all doubts on the subject (41 Geo. III. (U.K.) c. 63). On the other hand, a peer is not disqualified from sitting in the Upper House by being in holy orders.[1] In 1717, owing to the action of the Lower House of the Southern Convocation in agreeing to a report condemnatory of Bishop Hoadley, George I.'s ministry procured the sudden prorogation of Convocation, and from that year, until the beginning of the second half of the nineteenth century, neither of the two Convocations ever met for the despatch of business. During the whole of his interval, ecclesiastical legislation was accomplished by Parliament alone. The share of the Church in that legislation consisted in the participa-

[1] A clergyman may act as a justice of the peace and guardian of the poor, and may serve on a parish or district council. He may also hold the office of chairman, alderman, or councillor of a county council, and mayor, alderman, or councillor of a metropolitan borough. But he cannot act as mayor, alderman, or councillor of any other municipal borough.

tion of the bishops in it by reason of their sitting in the House of Lords, and in the tacit acceptance of its results. On this footing were passed, among other important statutes, the early Church Building Acts and the New Parishes Act, 1843, under which much of the Church extension necessitated by the growth and migration of population is carried on to this day; the Tithe Rent-charge Commutation Act, the Acts constituting the Ecclesiastical Commission, and re-modelling the cathedral establishments; the Act which constituted the Judicial Committee of the Privy Council the final Court of Ecclesiastical Appeal; and the Pluralities Act, 1838, and Church Discipline Act, 1840, which continue to this day essential parts of the law of the Church for enforcing the due performance by the clergy of their spiritual duties. The sittings of Convocation were resumed in 1852.

CHAPTER IV.

Distinctive Features.

Anglican Uses. 1. The adoption by the Church of England of the Roman use, instead of the British, as respects the date of keeping Easter, the form of the tonsure, and baptismal ceremonies, has already been mentioned.[1] But on points of detail, there were from the first some deviations from the rites and ceremonies practised in the Continental Churches. Those of the Gallican Church and other Churches varied from those of the Roman Church, and when Augustine, upon the conversion of Kent, sent to Pope Gregory for instructions as to which he was to follow, the Pope exhorted him to gather from all the Continental Churches whatever customs might appear to be pious, religious, and upright, and most acceptable to Almighty God, and to teach these to the Church of the English. Not only was this instruction carried out, but various uses gradually sprang up and became established in different dioceses in England. The most famous and most widely adopted of these was the Sarum Use, as the Breviary and Missal were called, which were drawn up by Osmund, bishop of Salisbury, in or about the year 1085. Other local uses were those of York, Bangor, Hereford, and Lincoln. At the Reformation it was deemed expedient to abolish these various uses, and to reduce the services throughout the whole Church to one type. This was effected by the two Acts of Uniformity of Edward VI., and the Prayer-books which they enjoined, and was perpetuated by

[1] Chap. I, ss. 4, 6.

the similar legislation in the reigns of Elizabeth and Charles II.[1]

[1] The early English liturgies or communion offices, although with some admixtures from a Gallican source and some later additions, were founded in the main on the sacramentary of Gregory the Great (A.D. 590), which again was based upon the earlier sacramentary of Gelasius (A.D. 494), and, through it, upon the primitive Christian liturgies. The Prayer-books of Edward VI. were mainly taken from the Sarum Breviary and Missal, and from the Manual, which included the baptismal and occasional services, and the Pontifical, containing the ordination service and other offices which could only be used by a bishop. But some features were borrowed from the newly published *Consultatio* or *Deliberatio* of Archbishop Hermann, of Cologne, setting out a vernacular service drawn up with the assistance of Melancthon and Bucer. The collects for Sundays and holy-days, with the exception of twenty-three which were composed by the reformers themselves, were substantially retained from the old sacramentaries. The collect for purity at the commencement of the communion office had the same place in the Sarum use, but is not found in the Roman Missal. The epistles and gospels were also, with some few exceptions, the same as those in the Sarum use; which differed from the Roman in reckoning the Sundays during half the year from Trinity Sunday instead of from Whitsunday. The order and canon of the mass in the Sarum use are substantially the same as in the Roman use, but one variation has been already noticed; and among others, instead of the *Lavabo* (Ps. xxvi. 6-12), the priest at the preliminary ablution said: 'Munda me, Domine, ab omni inquinamento cordis et corporis mei, ut possim mundus implere opus sanctum Domini.' The Roman and Sarum uses are identical in the *Consecration* and in the *Oblation*, which immediately follows:—'Unde et memores, Domine, nos servi tui, sed et plebs tua sancta, ejusdem Christi Filii tui Domini Dei nostri tam beatæ passionis, necnon et ab inferis resurrectionis, sed et in cœlos gloriosæ ascensionis offerimus præclaræ majestati tuæ de tuis donis ac datis Hostiam puram, hostiam sanctam, hostiam immaculatam: Panem sanctum vitæ æternæ et Calicem salutis perpetuæ. Supra quæ propitio ac sereno vultu respicere digneris: et accepta habere, sicuti accepta habere dignatus es munera pueri tui justi Abel et sacrificium Patriarchæ nostri Abrahæ: et quod tibi obtulit summus sacerdos tuus Melchisedech, sanctum sacrificium, immaculatam hostiam.' See Palmer's *Origines Liturgicæ* (Oxford, 1839, 2 vols.); Procter's *History of the Book of Common Prayer* (London: Macmillan & Co.).

Early Doctrines. 2. At the time when the Church of England was founded, and for some centuries afterwards, the distinctive Roman doctrines, which were renounced at the Reformation, had not taken definite shape or been formally adopted, although they were beginning to be recognised.

Adoration of Images. 3. Image worship was first solemnly sanctioned by a decree of the second council of Nicæa in 787. Charlemagne, before accepting the decree, referred it to Alcuin, one of the most distinguished of English Churchmen before the Conquest, desiring him to ascertain the opinion of the English Church upon the subject. He replied by a letter in the names of the English kings and bishops as well as of himself, refuting the decision of the Nicæan Council, and declaring that God's Church altogether execrated the the worship of images. A few years later, the decision was again formally condemned by the Council of Frankfort (A.D. 794), at which English bishops were present; and it was only gradually and without any express sanction that the adoration of images afterwards became the practice in England.

Transubstantiation; Auricular Confession. 4. That the doctrine of transubstantiation was absolutely unknown in the early days of the Church of England is clear from the canons and homilies composed in the tenth century by Elfric, Bishop of Ramsbury, with the approval of Sigeric, archbishop of Canterbury. Elfric was one of the most learned of the English pre-Norman divines, and in 995 succeeded Sigeric in the primacy. He writes thus concerning the Eucharist:—

'The housel' (*i.e.* the consecrated elements) 'is Christ's body, not corporally, but spiritually; not the body in

which He suffered, but that body of which He spake when He blessed bread and wine for housel one night before His passion, and said of the bread blessed, "This is my body," and again of the wine blessed, "This is my blood which is shed for many for the forgiveness of sins." Know now that the Lord who was able to change the bread into His body before His passion, and the wine into his blood in a spiritual manner, He himself daily blesseth bread and wine by the hands of His priests into His spiritual body and blood.'[1]

It was not until 1215 that transubstantiation was formally declared to be the doctrine of Western Christendom by the fourth Lateran Council; and auricular confession was at the same time made obligatory.

Communion in one kind.

5. Not until seventy or eighty years later was the cup withheld from the laity to whom it had always been previously given. By Archbishop Peccham's Constitutions, which were enacted at Lambeth in 1283, priests were enjoined to reconcile the parishioners to this change by instructing them that when at mass they receive the consecrated wafer, the whole Christ is given to them. Wine was, however, permitted to be given to lay persons at mass to assist them in swallowing the wafer.

Monasticism: Celibacy of the Clergy.

6. Monasticism existed long before the foundation of the Church of England, and prevailed in it from its commencement until the dissolution of the monasteries at the Reformation. But

[1] A century earlier the famous scholar, Erigena, who was patronised and befriended by King Alfred, had maintained the same opinion, and had combated the new doctrine of transubstantiation which was then being begun to be put forward by Radbert and others; the doctrine, namely, that upon consecration, the substance of the bread and wine are taken away, being changed into the substance of the body and blood of the Saviour.

the cognate practice of clerical celibacy was only very gradually enforced. Down to the time of the Norman Conquest it had been the rule for the English clergy to be married, though Archbishop Dunstan had attempted to enforce celibacy upon them. But it was strictly enjoined by a Roman council in 1074 under Pope Gregory VII.; and Archbishop Lanfranc thereupon procured the enactment in England of a canon absolutely prohibiting marriage to the members of cathedral chapters and, in future, to the parochial clergy; but permitting those parochial clergy who then had wives to continue to live with them. This canon was, however, by no means strictly observed. In spite of it, and of further prohibitions, great numbers of the English clergy during the next 150 years continued to be married; and in 1225 a canon was made allowing their wives to be admitted to the sacraments of the Church if they expressed penitence. After this date, clerical celibacy was more rigorously enforced; but its enforcement was extremely unpopular and led to grievous evils.

Wycliffe and the Lollards.

7. The first public protest against the new Roman doctrines and practices was made by Wycliffe, who in 1381 put forward twelve propositions on the subject of the Eucharist. In these he affirmed that transubstantiation is not to be established from Scripture, and that the sacrament is in its nature bread and wine containing, by virtue of the sacramental words, the true body and blood of Christ in every part of it. And in a subsequent document he asserted that 'the truth and the faith of the Church is that, as Christ is at once God and man, so the sacrament is at once the body of Christ and bread—bread naturally and the body sacramentally.' He died in 1384, but his views were spread so rapidly by the Lollards that ten years later something like half the people of England were

ready to adopt them. In 1394 a bill was actually brought into the House of Commons containing declarations against the celibacy of the clergy, the taking of vows of chastity by women, transubstantiation, obligatory confession and the pretended power of priestly absolution, pilgrimages, and image worship.[1] But on the accession of Henry IV., five years later, vigorous measures were taken against the Lollards. Up to this time there had been no provision in the State law for the punishment of heretics. But in 1401 an Act was passed,[2] which authorised their committal to the flames; and Lollardism as an open movement was suppressed.

The Reformation. 8. The dissolution of the monasteries in the reign of Henry VIII. has already been mentioned. The reformation of doctrine and ritual did not take place till the following reign, when it was effected mainly by the substitution in 1549 of the first, and in 1552 of the second Prayer-book of Edward VI., for the old service-books. As compared with the present book, the first of these Prayer-books did not go quite so far, and the second went a little further, in the direction of reform.[3] Queen Elizabeth's Act of Supremacy,

[1] This Bill was introduced within two years after the passing of the Second Statute of Præmunire (see above, Chap. II. s. 5), during the absence of the King in Ireland. In order to secure its publicity, it was fastened on the doors of St. Paul's Cathedral and Westminster Abbey. But the King, on his return, insisted upon its being dropped (Wilkins, *Concilia*, iii. 221–223; Walsingham, *Historia Anglicana*, ii. 216, 217).

[2] 2 Hen. IV. c. 15.

[3] In the First Prayer-book the Communion Office is styled 'The supper of the Lord and the Holy Communion commonly called the Mass.' The celebrant is directed to wear a white albe plain with a vestment (*i.e.*, a chasuble) or cope, and the assisting clergy are to wear albes with tunicles. The *Gloria in Excelsis* is placed at the beginning of the service. The Exhortation in case of neglect to come to communion requires

passed, as its title avers, 'to restore to the Crown the ancient jurisdiction over the estate ecclesiastical and spiritual,' laid down that nothing was to be adjudged heresy, but (*a*) such as had theretofore been determined to be heresy by the authority of the canonical Scriptures or by the first four general councils—those of Nicæa (A.D. 325), Constantinople (A.D. 381), Ephesus (A.D. 431) and Chalcedon (A.D. 451)—or any of them or by any other general council wherein the same was declared heresy by the express words of the canonical Scriptures, or (*b*) such as should thereafter be determined to be heresy by Parliament with the assent of the clergy in their Convocations.

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those who use auricular confession on the one hand and those who are content with confession to God and the general confession to the Church on the other hand, not to be offended with one another nor judge one another, but to follow the rule of charity and be satisfied in their own consciences. The service proceeds substantially in the old order or canon, and contains an ascription of thanks to God 'for the wonderful grace and virtue declared in all Thy saints from the beginning of the world. And chiefly in the glorious and most blessed Virgin Mary, mother of Thy Son Jesus Christ our Lord and God, and in the holy Patriarchs Prophets Apostles and Martyrs.' Then follows the prayer, 'We commend unto Thy mercy, O Lord, all other Thy servants which are departed hence from us with the sign of faith and now do rest in the sleep of peace: grant unto them we beseech Thee Thy mercy and everlasting peace.' The words of consecration are preceded by the invocation: 'Hear us O Merciful Father we beseech Thee and with Thy Holy Spirit vouchsafe to bless and sanctify these Thy gifts and creatures of bread and wine that they may be unto us the body and blood of Thy most dearly beloved Son Jesus Christ.' There is a rubric that the words of consecration 'are to be said, turning still to the Altar, without any elevation or shewing the Sacrament to the people.' In administering the elements, the first parts only of the present words of administration are directed to be said; and the *Agnus Dei* is to be sung during the reception of the Communion. There is to be no celebration unless there be some to communicate with the priest. Unleavened and round bread is to be used, but it is to be divided into, at least, two pieces before distribution, and is to be received by the people in their mouths

The Episcopal Succession.

9. The episcopal succession was maintained after the accession of Elizabeth by the consecration of Archbishop Parker by Bishops Barlow, Scory, Coverdale, and Hodgkins, in the chapel of Lambeth Palace on December 17, 1559, and by the consecration of Bishop Grindal and three other bishops a few days afterwards and of five more in the following month.

The Thirty-nine Articles and Homilies.

10. In Edward VI.'s reign forty-two Articles were drawn up as the Confession of Doctrine of the Church of England. In 1563 these were submitted to Convocation for consideration

to avoid the possibility of their taking it away and superstitiously abusing it. In the Communion of the Sick the rubric directs that if there is a celebration in church the same day the curate (see Chap. V. s. 8) shall reserve at the open communion so much of the sacrament as shall serve the sick person and those who will communicate with him, and shall as soon afterwards as convenient minister the same to them. But if there is no open communion in the church on that day, the curate is to visit the sick person in the forenoon and celebrate the communion.

In Baptism the children are signed with the cross on the breast as well as on the forehead; the priest commands the unclean spirit, in the name of the Father, the Son and the Holy Ghost, to come out and depart from them, and they are dipped three times in the water, unless they are weak, in which case water is to be poured upon them. Finally the white vesture, called the chrisom, is put upon them, and they are anointed on the head. At confirmation the bishop crosses the children on the forehead, before laying his hands upon them. In the Ordering of Priests the chalice or cup with the bread is delivered to every receiver of orders at the same time as the Bible.

In the Second Prayer-book all the above points in which the First differs from the present Prayer-book are omitted. The order of the Communion service is the same as in the present book; but in administering the elements only the second parts of the present words of administration are to be said.

In both books the Litany contains the words 'from the tyranny of the bishop of Rome and all his detestable enormities,' after the words 'from all sedition and privy conspiracy.'

and revision, and having been somewhat altered and reduced in number to thirty-nine, were ratified by Queen Elizabeth, and finally settled and promulgated in 1571. The first Book of Homilies was put forth in Edward VI.'s reign and the second in Elizabeth's, about the same time as the Thirty-nine Articles.

Present Prayer-book.

11. The present Prayer-book of the Church of England was finally settled and authorised in 1662. The clergy at their ordination, and on being admitted to any benefice or licensed to any curacy, make a declaration of assent[1] to this book as well as to the Thirty-nine Articles of Religion, and a promise that in public prayer and administration of the sacraments they will use the form prescribed in this book and none other, except so far as shall be ordered by lawful authority.[2] The Prayer-book (including the Ordinal) being annexed to the Act of Uniformity of 1662, its rubrics have the force of law; and it and the Thirty-nine Articles together constitute the standard of the doctrine and ritual of the Church of England. The Prayer-book and the services prescribed in it have since been modified by statute in a few particulars, namely, in 1751 by the new Calendar and Tables and Rules for the Moveable and Immoveable Feasts prescribed by 24 Geo. II. c. 23; in 1753 by the new direction as to the time of publishing banns of marriage contained in 26 Geo. II. c. 33

[1] Under the Clerical Subscription Act, 1865 (28 & 29 Vict. c. 122), and a canon of the same year.

[2] That is, in practice, the authority of the King in Council, by which the names of the Sovereign and members of the Royal Family are changed in the prayers for them, and other forms are from time to time prescribed, or that of archbishops and bishops acting under the provisions of the Prayer-book (Tables of Lessons) Act, 1871, or the Act of Uniformity Amendment Act, 1872.

(which was repeated in the later Act, 4 Geo. IV. c. 76); in 1871 by the Prayer-book (Tables of Lessons) Act of that year; and in the following year by the Act of Uniformity Amendment Act, 1872.

The Athanasian Creed.

12. The Church of England is unique in the position which it assigns to the *Quicunque Vult* as on a par with the Apostles' and Nicene Creeds, and as a substitute for the former at Morning Prayer on thirteen days in the year, including the great festivals. In the first Prayer-book of Edward VI. it was only directed to be used six times in the year, and then not instead of the Apostles' Creed, but immediately before it, following the *Benedictus*. In the second Prayer-book the same use of it was directed, but the occasions were increased to their present number, and this remained the rule until it was altered in 1662.

Relation to other Branches of the Anglican Communion.

13. The title of *alterius orbis Papa* bestowed on Anselm by Urban II. more than eight centuries ago was almost prophetic of the position held at present by the Archbishop of Canterbury in relation to the Anglican communion throughout the world. All bishops consecrated within the Province of Canterbury under the royal mandate have been required to take an oath of personal obedience to him; but the Lambeth Conference of 1897 affirmed the desirability, if possible, of bishops so consecrated, who would not come under his metropolitan jurisdiction, making instead a solemn declaration that they would pay all due honour and deference to him, and would respect and maintain the spiritual rights and privileges of the Church of England and of all churches in communion with her. The severance of the Irish Church which took place on its disestablishment in 1871 did

not affect the position of the Irish bishops and clergy in the Church of England. The position of Scotch bishops and clergy is noticed below.[1] An Act of 1852[2] authorised Indian and Colonial bishops to perform episcopal functions in England under commissions from English bishops. And the officiating and holding of preferment or a curacy in England by clergymen not ordained in the United Kingdom or ordained for service in the Colonies or for service out of the British dominions is regulated by the Colonial Clergy Act, 1874.

Relation to other Christian Communions.

14. The relation of the Church of England to the Roman Catholic Church has already been stated.[3] It recognises as valid the orders not only of that Church but also of the Greek Church. On the other hand, it is clear that from the Apostles' time there have been almost, if not quite, universally the three orders of bishops, priests, and deacons in Christ's Church, and therefore no man is accounted to be a lawful bishop, priest, or deacon, or is permitted to execute the functions of any of those offices in the Church of England unless he is admitted thereto according to the form prescribed in 1662, or has previously had episcopal consecration or ordination. Accordingly, the Church does not permit the ministration in her services of persons who possess only presbyterian orders, and still less of persons who have been called to the ministry in other bodies without even the laying on of the hands of the presbytery. Since 1689 the Presbyterians, Independents or Congregationalists, and Baptists (or Antipædo-baptists, opponents of infant baptism) have by Act of Parliament had an established or recognised position in England, and other dissenting or non-conforming

[1] Part II. Chap, I. s. 11. [2] 15 & 16 Vict. c. 52. [3] Chap. II.

bodies have since acquired a similar position. But none of them, except the Moravians or United Brethren, who are of a foreign origin, date back earlier than 1566, and some of them, notably the various Wesleyan and Methodist bodies, took their rise at the beginning of the nineteenth century.[1] Their separation from the Anglican communion is a source of weakness to the common Christianity not only of England, but also of the English-speaking peoples throughout the world, and is generally to be deplored. The blame for it, however, rests mainly with past generations, and lies partly with the Church herself and partly with those who seceded from her. They were too intent in regarding and insisting on the side of Christian truth which presented itself promi-

[1] The first schism from the Church was that of the Rev. Robert Brown and others in consequence of the Advertisements of 1566 enforcing the use of the surplice. They were at first known as Brownists, and afterwards developed into the Independents or Congregationalists. Their first congregation was formed about 1583. Until 1662 the English Presbyterians maintained their footing within the Church, and endeavoured to obtain permanent supremacy in it; but they seceded when uniformity was enforced on August 24th of that year. The Baptists became a distinct sect in 1633. The rise of the Quakers took place in 1646. John Wesley began to organize Methodism in 1739, and the Conference and Constitution of the Wesleyan Methodist Connection was settled by a deed of February 28th, 1784. Yet although he assumed to consecrate bishops for what has since become known as the American Episcopal Methodist Church, he never himself formally seceded from the Church of England. But after his death in 1791 his followers became severed from their mother Church, and from one another. The separate communion of the Wesleyan Methodists dates from 1795; of the Methodist New Connexion from 1797; and of the Primitive Methodists from 1810. Welsh Calvinistic Methodism was started by Howell Harris and others in connection with George Whitefield in 1735, but was not separately organized until 1811. The Countess of Huntingdon's Connexion became a distinct body subsequently to her death in 1791.

nently to their spiritual vision to be tolerant of those who recognised different aspects of the truth; while the Church, in her righteous determination to maintain the whole body of truth, did not sufficiently recognise that this could be done without prohibiting individuals from laying excessive emphasis upon certain particular features of it.

CHAPTER V.

Territorial Areas and Officers.

Provinces and Dioceses.

1. The earliest territorial divisions of the Church of England, as elsewhere in Christendom, were dioceses. After sending Augustine to England in 597, Gregory had drawn up for him a scheme under which the English, upon their conversion, were to be divided into two ecclesiastical provinces, each presided over by a metropolitan or archbishop, having his see at London and York respectively, with twelve suffragan bishops under him. Owing to circumstances this scheme was never completely carried out. The causes which led to the substitution of Canterbury for London as the southern metropolitan see have already been mentioned (Chap. I. ss. 3, 7). The archbishopric and province of York was not constituted until 734. Meanwhile the creation of dioceses had proceeded fitfully, and had depended upon the earlier or later establishment of Christianity in the various English kingdoms. In the first instance, each of these, upon its conversion, became a diocese in itself. But during the primacy of Archbishop Theodore, the kingdom of Mercia was divided into five dioceses, and that of Northumbria into three; and, although the actual sees were from time to time altered, there had been founded, long before the Norman Conquest, all the seventeen English bishoprics which were in existence at the beginning of Henry VIII.'s reign, except that of Ely, which was created in 1109. The four Welsh dioceses, and that of Sodor and Man, also date from a very ancient

period. Their early intercommunion with the English Church has already been mentioned,[1] and in 1115, long before Wales was civilly united to England, they were formally included within the province of Canterbury and acknowledged the metropolitical jurisdiction of the southern archbishop. To the twenty-two dioceses which thus constituted the Church of England at the eve of the Reformation, Henry VIII. added the five new sees of Bristol, Chester, Gloucester, Oxford, and Peterborough, and also that of Westminster; but this last was suppressed in the following reign. All of these twenty seven dioceses continue to exist to the present day, though the boundaries of many of them have been altered. In 1836 the see of Ripon was re-founded, after having been in abeyance for many centuries; but those of Gloucester and Bristol were united, so that the total number of twenty-seven was not increased. But in 1847 an additional bishopric of Manchester was created, and by the subsequent creation of the sees of St. Albans, Truro, Liverpool, Newcastle, Southwell, Wakefield, Birmingham, and Southwark, and the disconnection of Bristol from Gloucester, the aggregate number of bishoprics is now thirty-seven.

Suffragan and Assistant Bishops.

2. Many of the diocesan bishops are aided in their functions by suffragan[2] or assistant bishops. They were an old institution in the Church of England; and by an Act of 1534 (26 Hen. VIII. c. 14) special provision was made for them in the future. Twenty-five named towns and the Isle of Wight were designated as their sees; and when any diocesan desired to have a suffragan he was to present

[1] Chap. I. s. 6.

[2] The term *suffragan* is also applicable to all the bishops of a province in relation to the archbishop or metropolitan.

to the king the names of two clergymen, requesting that the title and dignity of such one of these sees as the king should deem most convenient should be given to such of the two as the king should please. The person selected was then to be presented to the archbishop of the province for consecration. An Act of 1888 authorised the appointment from time to time, by Orders in Council, of any other towns as sees of suffragan bishops; and another statute ten years later permitted persons who were already consecrated bishops to be appointed as suffragans.[1] In other cases diocesan bishops sometimes obtain the aid of retired bishops. These have no recognised legal position; but by virtue of their episcopal orders they can perform episcopal functions, and, as respects social precedence, rank on equal terms with suffragan bishops according to the date of their consecration.

Cathedral Establishments.

3. On the first introduction of Christianity into the different English kingdoms, the bishop and his clergy lived together in the capital town in a college or monastery, and as the Gospel spread, new monasteries as well as convents of nuns were founded in different towns. In connection with these institutions arose cathedral churches, so called from containing the *cathedra* or chair of the bishop, and collegiate churches and chapels. In addition to the bishop the normal establishment of a cathedral church consisted of a dean and canons, who constituted the chapter, and acted as a council to the bishop.[2] But eight of the English cathedrals, viz.,

[1] By the Burnley Rectory Act, 1890 (53 & 54 Vict. c. cxxiii.) special provisions were made with a view to the appointment of a bishop suffragan of Burnley.

[2] In two of the Welsh cathedrals, and in that of St. German in the Isle of Man, there was no dean, and the Manx cathedral has none to the present day.

those of Canterbury, Durham, Winchester, Carlisle, Ely, Norwich, Rochester, and Worcester, had monastic establishments until the reign of Henry VIII., when they were dissolved and replaced by deans and chapters; and that monarch also founded a dean and chapter for the cathedrals of the five permanent new sees which he created (s. 1, above). Thenceforth these thirteen cathedrals were called cathedrals of the new foundation, while the other fourteen were known as cathedrals of the old foundation. The cathedrals of the dioceses created in the nineteenth century have not yet been all equipped with a dean and chapter. The bishop possesses jurisdiction as visitor over the cathedral church of his diocese, and its establishment. But they are outside the general jurisdiction of the diocese; and the dean has an independent position and dignity of his own, irrespective of the diocesan officials.

Archdeaconries. 4. According to the canon law archdeacons might be appointed in a diocese with or without a definite territorial jurisdiction. In England they were at first always associated with some cathedral church. But in course of time definite archdeaconries were assigned to them, each diocese having a larger or smaller number, according to its extent. Previously to 1836 there were sixty in all. But in that year seven more were created, and with the subsequent additional bishoprics the number of archdeaconries has been concurrently increased, until it now amounts to ninety-three. An archdeacon is, in his archdeaconry, next in dignity among the diocesan officers after the bishop and the suffragans, if any, and the chancellor of the diocese. He has been called *oculus episcopi*, as having the duty of inspecting the portion of the diocese which is under his charge and of reporting to the bishop anything which requires correction.

Rural Deaneries. 5. Dioceses are also divided into rural deaneries, within which the rural deans have similar powers of inspection and report to those of an archdeacon in his archdeaconry. They can be rearranged, with the consent of the bishop, by a scheme settled by the Ecclesiastical Commissioners, and ratified by an Order in Council. The rural deans are generally appointed by the bishop, but in some dioceses are elected by the clergy of their deaneries. They convene periodical chapters of the clergy of their deanery, which, though formerly confined to those holding benefices, are now usually attended also by the licensed unbeneficed clergy.

Ancient Parishes. 6. But the most important sub-division of a diocese is into parishes. This was effected gradually during the five centuries which succeeded the primacy of Archbishop Theodore. So long as the bishop and clergy of the diocese lived together, the Church had hardly advanced beyond a missionary stage. In order that Christianity should be maintained among the people, it was requisite that they should have a resident clergy in their midst. This was brought about in two stages. At first central or *baptismal* churches[1] were erected in which baptisms were performed, and other services conducted for a wide area. Afterwards these areas were sub-divided into districts or parishes, coterminous for the most part with the estates of great landowners, who built churches for the special use of themselves and their retainers and tenants. This practice was encouraged by the recognition of the right of a landowner who granted a site for a church and erected it at his own cost, or by the labour of his

[1] So called because they had public baptisteries, in which at Easter and Whitsuntide, and sometimes also at Epiphany, baptism was administered for the inhabitants of the district which they served.

dependents, to have the perpetual advowson (Lat. *advocatio*) or right of presentation of the incumbent of the church. Hence a church is frequently found not in the centre of the parish, but near the mansion-house of the principal landowner, or the site on which that house used to stand. Thus also arose the rights of private patronage, which have since been in many cases dissociated from the ownership of the soil, and have become a species of private property, capable of being bought and sold.[1] As a further inducement to the erection of churches, any landowner who undertook this was entitled to appropriate the tithes, or tenth part of the produce of his estate, for the support of Church ministrations upon the estate. This he did by bestowing them either on the incumbent who thereupon had spiritual charge and the cure[2] of souls in the area, and was called the *rector* or *parson*,[3] and could only be removed by the ecclesiastical authorities for some serious offence; or else upon some monastery, who, when this occurred, became the rector, and were under the obligation of providing the ministrations. In either case the lands which constituted at that time the estate of a wealthy landowner became the parish of the future. This accounts for the very unequal size of the English parishes, and for the fact that a parish sometimes has detached portions belonging to it which are separated from its main bulk by one or more intervening parishes. These detached portions represent outlying fields of the old landowner, owned by him in addition to the principal part of his estate which lay

[1] The abuses arising from these rights of patronage, and the traffic in them, were in part checked by the laws against simony; and the most flagrant of them have now been rendered impossible by the Benefices Act, 1898 (61 & 62 Vict. c. 48). See further Chap. VI. s. 14.

[2] Lat. *cura*, care.

[3] Lat. *persona*, the person representing the Church.

within a ring-fence. The parishes soon became also civil entities for various purposes of local administration. Where the monasteries were rectors, many of them became, in course of time, very remiss in the performance of their parochial duties; and in the thirteenth century they were required to appoint a priest to take definite charge of the parish. In most cases he was to receive a certain portion of the tithes for his maintenance (see below, Chap. VI. s. 3), and when this was arranged he was called a *vicar*, and could only be removed in the same manner as a rector. But in some instances they sent a temporary priest, under the title of curate, paying him a fixed salary. On the dissolution of the monasteries in Henry VIII.'s reign, the rectories and the tithes attached to them, and the patronages of the vicarages of the parishes of which the monasteries were rectors, were confiscated to the Crown, and were bestowed, some on bishoprics, some on colleges in the universities, and some on other lay foundations and individuals. These rectories were thenceforward termed impropriate, and the rectors were styled impropriators, as distinguished from the rectories and rectors directly connected with the cure of souls. But the vicars retained their position and the tithes allotted to them; and where a vicarage had not been created, the obligation of appointing and paying a curate remained, with this difference: that when the appointment fell into lay hands, the person appointed instead of continuing a temporary curate was regarded as only removable in the same manner as a rector or curate, and became in fact and name a *perpetual curate*. A division of an old parish into distinct parishes has in some instances taken place, each of them receiving a portion of the old Church endowments, and becoming a rectory, vicarage, or perpetual curacy, according to the status of the old parish. In

some cases a vicarage has been converted into a rectory upon a surrender of the rectorial tithes by the impropriator. Two or more old parishes have also been united together; and under some circumstances two contiguous parishes may, with the licence of the archbishop of the province, be held and served by one incumbent.

New Parishes.

7. But the growth and migration of population, especially since the beginning of the nineteenth century, have necessitated the creation of a large number of new parishes. Until 1818 this could only be effected by the costly process of a private Act of Parliament. But in that year the first of a series of Church Building and New Parishes Acts was passed; and the process since then has gone forward rapidly, though not quickly enough to keep pace with the increasing population of England. Under these Acts new parishes are formed by schemes prepared by the Ecclesiastical Commissioners and confirmed by Orders in Council which give to the schemes the force of law. The Acts authorised the formation of various kinds of parishes, or ecclesiastical districts, differing somewhat in detail from one another. The two ordinary classes, however, are (i.) the Peel Parish, formed under Sir Robert Peel's New Parishes Act, 1843 (6 & 7 Vict. c. 37), where the district is first cut off and placed in the separate charge of a minister, and a church is afterwards built; and (ii.) the Blandford Parish, formed under the Marquis of Blandford's New Parishes Act, 1856 (19 & 20 Vict. c. 104), where the parish is constituted after the church has been built. When a new parish is formed, the persons residing within its area lose their rights of seats, marriage and burial, and other ecclesiastical rights in the church of the parish out of which it has been formed and acquire these rights in the church of the new parish.

Parochial Clergy. 8. The rectors, vicars, and perpetual curates of old parishes and the incumbents of new ecclesiastical parishes are all of them, in law, corporations with perpetual succession. In 1868 Bishop Samuel Wilberforce procured the passing of an Act declaring that the incumbent of every old or new parish, who was authorised to publish banns and solemnise marriages, churchings, and baptisms in his church, and was not a rector, should be styled a vicar, and his benefice should be styled a vicarage. The old generic term for all the parochial clergy, which is to be found in the Prayer-book, is *curate*—one who has the cure of souls. In modern times this title has come to be confined to unbeneficed clergymen employed to assist the incumbents in large parishes or to take charge of parishes when the incumbents are, for any reason, absent for a length of time. These curates receive the bishop's licence to officiate in the parish; and, when so licensed, the incumbent, except on a change of incumbency, cannot dismiss them without the consent of the bishop or the archbishop of the province.

Vestries. 9. The vestry is the ancient assembly of the parishioners for ecclesiastical and other parochial business, and is so called from its usual place of assembly. In former times it was entrusted with the levying and direction of the poor rate as well as the church rate; to which in populous places were frequently added other duties by special Acts of Parliament. It consists of the persons of both sexes who own or occupy rateable tenements or property in the parish; but in some parishes its duties were relegated to a select vestry consisting of a limited number chosen by the whole body. Sturges Bourne's Act of 1818,[1] besides other regulations as to

[1] 58 Geo. III. c. 69 amended by (1819) 59 Geo. III. c. 85: and see (1853) 16 & 17 Vict. c. 65; (1869) 32 & 33 Vict. c. 41, ss. 7, 19; (1878) 41 & 42 Vict. c. 26, s. 14.

the summoning and holding of vestry meetings, gave to vestrymen from one to six votes according to the annual value of their assessment to the poor rate—one if under 50*l.*; and, if over, one for every complete 25*l.* up to 150*l.*; all of that figure and upwards having six votes. But this Act does not apply to new ecclesiastical parishes; so that in these there is no plural voting. Since the abolition of compulsory church rates in 1868 and the transfer of the civil business of the parishes to other bodies, the functions of vestries have become almost entirely confined to the appointment of churchwardens and sidesmen, and the expression of an opinion, either by way of approval or the reverse, on applications for faculties for alterations in churches or their fittings or in churchyards.

Churchwardens. 10. The office of churchwardens is of great antiquity. They were also called questmen, from being concerned in carrying out and satisfying the inquiries of the bishop or the archdeacon at his visitation. Canons 89 and 90 of 1603 (which, however, merely declare what was the pre-existing law or custom on the subject), direct that they shall be chosen in every parish yearly in Easter week by the minister and parishioners jointly; but if they cannot agree in their choice, the minister is to choose one and the parishioners another. The number is usually two; but in certain places there are by special custom more, or only one; and by custom also the mode of their election may be different. In new ecclesiastical parishes their number and election is regulated by provisions of the Church Building and New Parishes Acts passed in the nineteenth century. In these parishes their number is invariably two, and they are appointed one by the vicar and the other by the parishioners. They should be householders or landowners in the parish for which they are chosen. Before they can legally act, they

must be admitted to their office by the archdeacon or, in the years of an episcopal visitation, by the chancellor of the diocese, and make before him a declaration that they will faithfully and diligently perform the duties attached to it. The office may be held by a woman. Their duties are twofold: (i.) the care and maintenance of the church and churchyard, and the ornaments, goods and money of the church, and the requisites for Divine service; and (ii.) the preservation of order in the church and churchyard.

(i.) The freehold of the church and churchyard is in the rector in old parishes and in the vicar in new parishes; and in old parishes, unless there is a custom to the contrary, the rector is bound to keep the chancel in repair. But the furniture and ornaments of the church belong to the churchwardens as a *quasi*-corporation; and it is their duty to keep not only these but also the fabric of the church,[1] and the churchyard and its walls, in proper repair and condition, so far as the funds entrusted to them for the purpose will allow, and one of their paramount duties is to effect sufficient insurances against fire. Until 1868 the vestry of a parish could levy a church rate for these purposes, and the churchwardens were bound at the end of their year of office to render an account of the manner in which the money produced by the rate had been spent. But in that year the compulsory levying of church rates was abolished, except where they had been mortgaged for an advance to meet some abnormal outlay; and since then, instead of attempting a voluntary church rate, it has become the general practice to rely on the contributions of church people in and out of church for the payment of church expenses. But the powers of churchwardens

[1] Including the chancel, wherever there is no rector bound to repair it.

over the church property committed to their care are very limited. The incumbent has a right to keep the key of the church and to control within the limits of the law the conduct of the services, the use of the organ and the ringing of the bells. And neither churchwardens nor incumbent can lawfully add to, alter, or diminish the fabric of the church or the ornaments or fittings of the church or churchyard, without a faculty from the ecclesiastical court, except that the incumbent may authorise ordinary tombstones in the churchyard and sanction inscriptions thereon, subject, in case of his refusal, to an appeal to the ecclesiastical courts. The rubric in the Prayer-book directs that money collected during the ante-communion service, while the offertory sentences are being read, shall be at the disposal of the minister and churchwardens, with an appeal to the bishop if they disagree. But money collected in church at any other time is, so far as the law is concerned, at the sole disposal of the incumbent, who may, however, allocate it in advance to a specific object by announcing beforehand that it will be devoted to that object.

(ii.) It is the duty of churchwardens to maintain order in the church and churchyard during Divine service; and the Act of 1860 as to brawling (as it is technically termed), authorises a churchwarden to arrest and take before a justice of the peace any person guilty of riotous, violent, or indecent behaviour in a church or churchyard, whether during Divine service or at any other time (23 & 24 Vict. c. 32). Moreover, as the officers of the bishop, to whose control they are subject if their action gives rise to any complaint, they are entrusted with the duty of seating the parishioners and others who attend Divine service in the church; and this duty extends to the chancel, subject to the right of the rector and his

family to the chief seat there. Subject to this right and to any rights to private pews by faculty or prescription, they may allot seats either for a particular service or for an indefinite period; but in the latter case, except where the letting of pews for a fixed period is legal, they can always terminate the allotment and make a fresh disposition of the seats.

Sidesmen. 11. In old times, certain additional laymen were associated with the churchwardens in the duty of attending the synod of the diocese when visitations were held. The name of synodsmen which they thus acquired, became corrupted into sidemen, as they are termed in the Canons of 1603, or sidesmen as they are now called. Canon 90 directs that they shall be appointed in each parish in Easter week by the minister and parishioners, or, if they connot agree, by the bishop of the diocese, to assist the churchwardens in the performance of their duties, particularly in that of keeping order in the church and churchyard during public worship. They are admitted to their office and make a declaration as to the faithful and diligent performance of the duties attaching to it, at the same time as the churchwardens are admitted (supra, s. 10). Sidesmen are frequently appointed not only in the ancient parishes, to which the canon refers, but also in new ecclesiastical parishes. It is, however, questionable whether in these parishes they have any actual legal status.

Parish Clerks. 12. The parish clerk is usually in old parishes and always in new ecclesiastical parishes appointed by the incumbent, but in some old parishes the appointment rests with the vestry. In old parishes the office is a freehold, and, under the Lecturers and Parish Clerks Act, 1844, a person in holy orders may, with the consent of the bishop, be appointed to it. In that case he is removable under the same conditions as a stipendiary

curate; and the Act enables the archdeacon to suspend or remove a parish clerk, who is a layman, for neglect of duty or misconduct. In new ecclesiastical parishes the clerk may be removed for misconduct by the incumbent with the consent of the bishop.

Lay Readers. 13. The office of reader was, before the Reformation, one of the minor orders in the Church. In Queen Elizabeth's reign, it became a lay office, the holders being employed in parishes in which, owing to the dearth of clergy, there were no incumbents. It had practically died out before the end of the eighteenth century, but was revived in the last half of the following century. Their appointment and duties are now defined by regulations agreed to by the archbishops and bishops in October, 1905. They are divided into four classes: (*a*) Parochial Readers; (*b*) Diocesan Readers; (*c*) Catechists, and (*d*) Evangelists or trained Readers: but are all admitted by the bishop or his representative by the same form of words, accompanied by the delivery of the New Testament, viz.:—

'A.B., I admit thee to the office of a Reader in this diocese, in the name of the Father, and of the Son, and of the Holy Ghost. Amen.'

(*a*) A parochial reader receives from the bishop a licence revocable at pleasure, or at the request of the incumbent, and terminating on his death or removal, to assist the incumbent of a given parish by visiting the sick, teaching in Sunday school, taking services in unconsecrated buildings, and other similar work. He may also receive an extended licence to read certain portions of the Morning and Evening Prayer and Litany, and approved homilies or sermons, and catechise children in consecrated buildings within the parish. The other classes of readers receive a commission which is effective in any parish throughout the diocese with the consent of the incumbent.

(*b*) The commission of a diocesan reader may include all the duties of a parochial reader, with the addition of leave to give addresses in consecrated buildings, except during any of the appointed services of the Church. (This exception is in some dioceses held not to preclude the giving of an address immediately after the conclusion of Evening Prayer.) (*c*) A catechist is on the same footing as a diocesan reader; but his commission, which he receives on the ground of special aptitude for catechising, will in all cases include leave to instruct classes in consecrated buildings outside the appointed services of the Church. (*d*) An evangelist or trained reader must have reserved a course of training in some recognised institution. His duties are those of a parochial or, in some cases, of a diocesan reader, but his work is rather that of a mission preacher than of a regular assistant to the clergy.

Other Officers. 14. There are various other parochial offices in the Church which are filled by lay persons, whose appointment and tenure of office and duties vary considerably in different places. Among these may be mentioned (1) that of sexton or sacristan, who is entrusted in some places with the charge of the church and its fittings, and in others with the duty of digging graves, and elsewhere again with both of those duties; (2) that of beadle (bidder or crier), who is the messenger and general servant of the vestry; and (3) that of organist, who in playing the organ is at all times subject to the directions and control of the incumbent, and can always be dismissed after proper notice, the length of which will depend on the terms of the appointment. There are also in most parishes choristers, Bible-women, nurses, district visitors, and other helpers in the work of the Church, respecting whom there exists no general rule or practice.

CHAPTER VI.

Property and Revenues.

Nature of Church Property.

1. The Church of England has no corporate existence enabling it to hold property, and has consequently no endowments, or possessions, or income of its own. When, therefore, Church property and revenue is spoken of it means the property and revenue held for Church purposes by ecclesiastical corporations, whether sole or aggregate, with perpetual succession, or by trustees. For these purposes bishops, rectors, and other incumbents are corporations sole, while a dean and chapter is a corporation aggregate, as also are the Governors of Queen Anne's Bounty, and the Ecclesiastical Commissioners. Bearing this in mind, Church property and revenue may be considered under the following heads :—Churches and Churchyards ; Tithes ; Glebe and other Church Lands ; Queen Anne's Bounty ; the Ecclesiastical Commission ; Modern Endowments ; Pew-rents ; and other Annual Income.

Churches and Churchyards.

2. The conditions under which the private building of churches was carried on have already been mentioned (Chap. V. s. 6). The cathedrals were also erected by private munificence. But after the erection of any place of worship, its maintenance and repair was considered to be a matter of public concern.[1] As early as Cnut's reign we find the payment of

[1] Except as to the chancel, which in an ancient parish has always been repairable by the rector, in the absence of a special local custom to the contrary.

church-scot for this purpose enjoined by law. This was the origin of church rates, which were levied on a parish by vote of the vestry, for the repair of the parish church and the maintenance of Divine service therein. In 1868 the compulsory levying of these rates was abolished, except for the repayment of any loans previously raised on the security of the church rates (31 & 32 Vict. c. 109); and although they may be still assessed and paid voluntarily, they have in practice been now superseded by collections in church, subscriptions, and other methods of raising the requisite funds. The freehold of a cathedral is in the dean and chapter; and, subject to the control of the bishop as visitor, they have the regulation of its use as the parish church of the diocese. The freeholder of the church and churchyard is ordinarily in old parishes the rector,[1] and in new ecclesiastical parishes the incumbent. But in both classes of parish, subject to the authority of the bishop, the church and churchyard are under the control of the incumbent, and, to a limited extent, of the churchwardens, for the purposes for which they were provided. The parishioners have a right to attend Divine service in the one and to be interred in the other.

Tithes. 3. The payment of tithes is frequently mentioned in the Old Testament, and can be traced back to patriarchal times. It was early practised among Christians, and had become general on the Continent before the conversion of the English; so that it was from the first taught to them as one of their duties on entering the Church. It does not appear that the quadrupartite or tripartite division of tithes[2]

[1] Except where they have been included in the endowments of the vicarage.

[2] Among (i.) the bishop, (ii.) the clergy, (iii.) the repairs of the churches, and (iv.) the poor; or among the three last of these objects.

which prevailed in some districts on the Continent was ever introduced into England. But until the formation of parishes the tithes were paid to the colleges or monasteries in which the clergy of each diocese originally lived in company with the bishop (see Chap. IV. s. 2). As already mentioned, however (Chap. IV. s. 5), when churches and monasteries were multiplied, the destination of the tithes became varied. A landowner who built a church for the benefit of his own household and tenants might provide for the maintenance of services in that church, and for the cure of souls on his estate, by devoting the tithes of the estate to some monastery, or to a succession of individual priests.[1] When the system of vicarages was introduced in those parishes where a monastery was rector, the tithes of fruits, herbs, live-stock, poultry, milk, cheese, and eggs, were surrendered as an endowment to the vicarage, and were accordingly called the vicarial or small tithes; the tithes of corn, hay, and wood, which were consequently known as the rectorial or great tithes, being reserved to the monastery.[2] When, therefore, the monasteries were dissolved, the confiscation of their property affected the great tithes of the parishes of which they were rectors.[3] These, which amounted in value to about one-

[1] Selden's *History of Tithes* (1618); *Ancient Facts and Fictions concerning Churches and Tithes*, by the Earl of Selborne (London: Macmillan & Co., 1888). Lord Selborne (pp. 312, sq.; Appx. H) sets out two deeds of the first half of the twelfth century attesting gifts of lands and tithes by private landowners, with the consent, in each case, of the bishop of the diocese, to the church of Exhall, in Warwickshire, and Hay, in Brecknockshire. Both the lands and the tithes were, of course, given in perpetuity, and not merely during the lives of the donors.

[2] See above, Chap. V. s. 6.

[3] When there was only a curate instead of a vicar, all the tithes were confiscated, but subject to the charge of an annual payment for the support of the curate.

fourth of the whole tithes of the country, passed to the Crown, with the monastic lands, and were in some instances granted for the endowment of Henry VIII.'s new bishoprics, or of colleges or schools, and in other instances were bestowed on private individuals. In either case the owners of the confiscated great tithes were called rectors impropriate, or impropriators of the parishes from which the tithes issued. The payment of tithes was from time to time enforced by statute. The law ensured with respect to them, as it does with respect to other property voluntarily bestowed, that the subjects of a former owner's bounty should not be defrauded of that bounty by his successors. But the peculiar character of tithes rendered special protective legislation necessary in their case.

Tithe Commutation.

4. The payment of actual tithes in kind, whether rectorial or vicarial, out of the various titheable produce of the land was a troublesome process, unsatisfactory both to the tithe-payer and to the tithe-owner; and in 1836 an annual tithe commutation rent-charge was substituted for ordinary tithes, and was assessed on lands liable to those tithes according to the estimated value of the tithes at that time; and the nominal amount of the rent-charge on each holding has remained the same ever since.[1] But this amount was calculated on the footing that 100*l.* would buy 94·96 bushels of wheat and 168·42 bushels of barley and 242·42 bushels of oats; and it was arranged that the actual tithe rent-charge to be paid in each year should depend upon the sum required to buy these amounts of corn according to the average price for the preceding seven years. When the average septennial price was higher than 100*l.* the rent-charge

[1] See the Tithe Act, 1836 (6 & 7 Will. IV. c. 71), and amending Acts.

would rise accordingly, and, in fact, before 1878 every nominal 100*l.* of it stood at 112*l.* But since that year the price has considerably fallen, so that in 1901 the rent-charge was as low as 66*l.* 10*s.* 9¼*d.* per 100*l.* Until 1886 an extraordinary tithe rent-charge was levied on lands cultivated as hop gardens, orchards, fruit plantations, and market gardens; but in that year it was abolished; and in its place, a fixed additional rent-charge was assessed upon the lands which had been liable to it.[1] The payment of tithe rent-charge is now regulated by an Act of 1891.[2]

Church Lands and Houses.

5. Besides tithes, large tracts of land were in old times given for the endowment of episcopal sees, cathedral chapters, monasteries, rectories, and, later on, vicarages. In particular, parochial benefices were endowed with glebe lands and manses or parsonage houses. Incumbents are bound to keep these houses and the buildings on the glebe lands in proper repair; and they or their estates are liable to their successors for dilapidations in case of any failure so to do.

Statutes of Mortmain.

6. From the seventh to the thirteenth centuries the gifts of land to church corporations, including monasteries and religious houses, were so large that, at least, one-fifth, and, according to some estimates, one-third of the whole land of the country had come into their possession. This was a serious matter; for all Church lands were by law exempt from contribution to military services and to other public objects, as well as from feudal liabilities, and were accordingly said to be held in mortmain, *mortua manu*, by a dead hand, a hand rendering none of the services which were demanded from the hand of an individual owner. Consequently

[1] 49 & 50 Vict. c. 54. Comp. (1897) 60 & 61 Vict. c. 23.
[2] 54 & 55 Vict. c. 8.

the excessive extent of the Church lands was a grave injury to the national interests as well as to the interests of feudal lords. An attempt was made to restrain the growing mischief by a provision of Magna Carta. But the provision remained a dead letter; and Edward I.'s Mortmain Act of 1279 and several succeeding Acts in the same reign and in the reigns of Edward III. and Richard II. were passed to enforce it, by enacting that any land which was given without the Royal licence in such a way as to come into mortmain, should be forfeited to the lord of the manor, or, in case of his declining to accept the forfeiture, to the king. The passing of these Acts absolutely refutes the theory, which is sometimes put forward by would-be despoilers of the Church, that gifts made in old times for Church purposes were, in fact, gifts to the nation. For, if that had been the case, the nation by its legislature would certainly not have restrained the flow of the gifts. The truth, on the contrary, is, that all property devoted to Church purposes was regarded as withdrawn from liability to public and national obligations to which other property was subject.

The Reformation.

7. Two transfers of Church property took place at the Reformation. (i.) Before that time the first-fruits for the whole of an occupant's first year's income of a benefice (in its widest sense, including a bishopric), and the tenth part of the income of every future year of his occupancy, had been payable to the Pope. But by an Act of 1534,[1] these first-fruits and tenths were transferred to the Crown; and they were fixed for all future time according to the values of the benefices as recorded in the *Valor Beneficiorum*, or King's Books,

[1] 26 Hen. VIII. c. 3. Comp. 27 Hen. VIII. c. 8; 28 Hen. VIII. c. 11.

which were then compiled.[1] (ii.) As already mentioned, upon the dissolution of the monasteries, their property was transferred to the Crown by the Act 31 Hen. VIII. c. 13. No other transfer of ecclesiastical property took place. The rest remained vested in the same corporations aggregate or sole as before; though during the reigns of Henry VIII. and his three children the individuals who constituted those corporations were in not a few cases changed owing to their reforming or anti-reforming opinions.

Queen Anne's Bounty.

8. The first-fruits and tenths were restored to the Pope by Mary, but were again made payable to the Crown at the beginning of Elizabeth's reign and so continued till the reign of Anne. But that queen obtained the consent of Parliament to her restoring them to the Church. An Act was passed, constituting a body of Governors of Queen Anne's Bounty, who were to receive the first-fruits and tenths and apply them in permanently augmenting small livings. Subsequent statutes have enabled them to make out of the funds in their hands temporary loans for the building and improving of parsonage houses and for other purposes in the interests of incumbents; and by the Ecclesiastical Dilapidations Act, 1871, they were made the machinery for dealing with money payable for dilapidations on a change of incumbency.

Modern Endowments.

9. Since Queen Anne's reign large private benefactions have been made both of land and of money not only for augmenting the income of poor benefices but also for providing churches and churchyards and

[1] Two Acts passed in 1706 and 1707 discharged from the payment of first-fruits, and, with certain exceptions, from the payment of tenths, all parochial benefices which at that time were under the annual value of 50*l.*; and other exemptions have been granted at different times in favour of particular benefices.

endowing new benefices rendered necessary by the growth of population. Facilities for these benefactions, including a relaxation in their favour of the mortmain laws, have been given by divers Acts of Parliament. Moreover, in the early part of the nineteenth century, Parliament voted, as a thankoffering for the successful close of the great Napoleonic war, a million and a half of public money for the building of new churches which had become imperatively needed in overgrown parishes.[1] At the same time a body of Church Building Commissioners was constituted to administer this fund and all private benefactions contributed for the same purpose, and to arrange for the creation of new parishes where required.

The Ecclesiastical Commissioners.

10. In the meantime, the general increase in value of the land of the country and the development of building on some of the episcopal and capitular estates, and the working of mines under others, had led to the revenues of many of the bishops and cathedral chapters being unduly inflated. To remedy this state of things a permanent corporation, bearing the title of 'The Ecclesiastical Commissioners for England,' was created in 1836 to take over and manage all these estates and their revenues, and, after paying adequate fixed annual sums to the occupants of the sees and members of the cathedral chapters to which the revenues belonged, to apply

[1] (1818) 58 Geo. III. c. 45, ss. 1–15; (1824) 5 Geo. IV. c. 103, ss. 1–4. From 1804 to 1843 the Annual Appropriation Acts contained grants from the taxes of sums varying from 4000*l.* to 17,000*l.* for Protestant dissenting ministers and others in England as well as in Ireland (see 44 Geo. III. c. 110, s. 19; 6 & 7 Vict. c. 99, s. 21, and intermediate Acts). From 1832 to 1869 they contained grants of between 30,000*l.* and 45,000*l.* for Protestant dissenting ministers in Ireland (see 2 & 3 Will. IV. c. 126, s. 20; 32 & 33 Vict. c. 93, Sch. (K), and intermediate Acts).

the remainder in providing for the spiritual needs of the residents on the estates and in making grants towards augmenting the endowments of poor livings, building parsonage houses, and supplying assistant curates in populous parishes. Besides discharging these functions, the Ecclesiastical Commissioners have taken over the duties and powers of the Church Building Commissioners, and are entrusted with various branches of ecclesiastical administration, such as the making of schemes for creating new parishes, and, when a new bishopric is formed, arranging details in reference to it; and these schemes, when confirmed by an Order of the Sovereign in Council, have the force of law.

Pew-rents. 11. The stipend of the incumbent and the cost of maintaining the church and its services, is in some new ecclesiastical parishes defrayed wholly or in part by pew-rents. These can only be charged where they are authorised by a special Act relating to the particular parish or under the general provisions of the Church Building and New Parishes Acts. They do not exist in ancient parishes.

Fees and Dues. 12. Fees and dues form another source of income to the parochial clergy, but they vary considerably by law or custom in different places. Fees may be payable for marriages, churchings, and burials, and for graves and tombstones in the churchyard; but none can be demanded for baptisms. With rare exceptions, Easter offerings are the only dues unconnected with special occasions which still remain payable. In the absence of a contrary custom, their legal amount is twopence per head, or, in London, fourpence per house. But this rate was fixed when the value of money was much greater than it is at present; and voluntary Easter offerings are often properly given upon a very different scale.

Voluntary Contributions.

13. In fact, the maintenance of the present operations of the Church, and of the existing staff of clergy and other workers, very largely depends on the gifts of Church people, either at the offertory or collections during divine service or through societies or private channels. The ancient and modern endowments are in themselves wholly inadequate to supply what is requisite. They produce an income of something over 5,000,000*l.* a year. But in addition to this amount about 7,000,000*l.* a year is voluntarily contributed for the home work of the Church which the endowments are insufficient to maintain, besides another 850,000*l.* for foreign mission work. This amount is collected in part parochially, in part by diocesan organizations, and in part through such societies for helping the whole church as the Church Pastoral Aid Society, founded in 1836; the Additional Curates Society, founded in the following year; and the Church of England Scripture Readers Society, which dates from 1844.

Patronage.

14. A word must be added in this chapter on the subject of patronage. The origin of private patronage and the way in which it early became, in law, a species of property have already been explained.[1] The advowson of a parish was at first attached to the manor or the estate which formed the parish; but it was soon held that it could be severed from these and be granted or sold separately. When vicarages were formed, the rights of presentation to them naturally belonged to the monasteries who owned the rectories; and on the dissolution these rights of presentation followed the rectories, but were afterwards in many cases severed from them. When a new church was built and a new parish created under a special Act of Parliament, the advowson was

[1] Chap. V. s. 6.

frequently vested in the individual who provided the money for the church and his heirs. The Church Building and New Parishes Acts contain several provisions as to the patronage of a new church and parish, under which it may be vested in the Crown or the bishop or the incumbent of the mother parish, or a body of trustees or a private individual, according to circumstances. Patrons, other than the bishop of the diocese, present their nominees to the bishop, who is bound to institute them or admit them by licence, according as the benefice is that of an ancient or new ecclesiastical parish, unless there is some reason, valid in law, why he should not do so.[1] Institution, by which the presentee is admitted to the spiritualities of the benefice, is followed by the ceremony of induction, which admits him to the temporalities. Where the bishop is patron of a living in his diocese, there is, of course, no presentation, and collation takes the place of institution. The Benefices Act, 1898, lays down some additional grounds on which a bishop may refuse to institute or admit a presentee, and provides that he shall not collate, institute, or admit any person to a benefice until the expiration of one month after notice that he proposes to do so has been served on the churchwardens of the parish, who are to keep the notice posted on the door or notice-board of the church for one calendar month. Abuses in two directions early arose in connection with patronage. Unscrupulous patrons, regarding it as private property of their own, considered themselves justified in making a profit out of it by accepting money as a remuneration for presenting a particular person to the living. Such purchases of ecclesiastical offices were early

[1] Donative benefices, which were in the absolute gift of the patron without presentation or institution, were abolished and made presentative by Sect. 12 of the Benefices Act 1898 (61 & 62 Vict. c. 48).

regarded as simony, and many canons were made against it. After the Reformation it was further penalised by a statute of Elizabeth's reign.[1] But the evil broke out in another form. Although patrons were debarred from taking money for making presentations, there was nothing to prevent their selling either the whole advowson, or else the next right of presentation, and on a vacancy occurring in the living, the purchaser could then present himself or any one else whom he pleased. A partial check was put on this by an Act of 1713[2], which prohibited a clergyman from purchasing a next presentation, and then presenting himself; but it was still open to him to present himself after purchasing the whole advowson, which he could sell again after putting himself into the living, and also for any of his relations to purchase the next presentation and present him. An Act of 1828 permits an incumbent, when he is presented, to engage to resign the living in favour of a single specified individual, or in favour of either of two specified individuals who are both connected with the patron within such degrees of close relationship or affinity as are mentioned in the Act. The Benefices Act, 1898, expressly retains this permission; but it makes illegal every other engagement to resign a benefice; and has imposed some important restrictions on the sale and transfer of advowsons.[3]

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[1] 31 Eliz. c. 6.

[2] 13 Anne, c. 11 (12 Anne, st. 2, c. 12) s. 2.

[3] The advowson may not now be put up to auction unless it is sold with a manor or with not less than 100 acres of land in the same or an adjacent parish. The owner of an advowson can no longer sell the next presentation, but must on any dealing with the advowson, transfer his whole interest in it; except that in making a family settlement he may reserve to himself a life interest in it, and on mortgaging it may reserve the equity of redemption. And, except on marriage, death, or bankruptcy, or on the appointment of a new trustee, a transfer of an advow-

Clergy Superannuation.

15. The Church has no regular system of clergy superannuation. But under the Incumbents Resignation Acts, 1871 and 1887, a pension not exceeding one-third of the income of the benefice can in certain cases be awarded to a retiring incumbent out of the revenues of the benefice; and the Clergy Pensions Institution provides out of funds voluntarily collected for the purpose pensions of no great amount to clergymen who are or become unbeneficed after the age of sixty-five, and who have purchased for themselves a small annuity out of the funds of the institution. The Ecclesiastical Commissioners have also established a scheme for granting pensions in certain cases out of the funds at their disposal.

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son cannot legally be made within twelve months after the last filling up of the benefice, and must be registered in the diocesan registry within one month after it is made, or within such extended period as the bishop may, under special circumstances, allow. Moreover, an agreement to present a particular person, or the nominee of a particular person, is now illegal; as also is any agreement on the sale of an advowson, to re-transfer it, or to postpone payment of any part of the purchase money, or to pay interest until a vacancy in the living or for a longer period than three months, or to make any payment in respect of the date at which the vacancy may occur (61 & 62 Vict. c. 48, s. 1).

CHAPTER VII.

Law.

Legal Position of the Church.

1. The legal position of the Church of England, like that of every other institution, ecclesiastical or civil, depends on (i.) the existing laws by which it is regulated, (ii.) the legislative authority which can make or alter its laws, and (iii.) the judicial tribunals which can interpret its laws. So long as a Church requires buildings and funds for carrying on its work, and its members have bodies as well as souls, it cannot, whether established or not, be entirely free from State control and interference. But the precise legal position of the Church of England is naturally due to a great extent, though not altogether, to its historical relations with the State, explained in Chap. III. above.

Church Laws.

2. The laws by which the Church of England is regulated (*a*) are some of them to be found in express statutes or ordinances, while (*b*) others are founded on custom, and (*c*) others rest on the decisions of the courts. Again (*α*) some of them have a purely ecclesiastical origin; (*β*) others have been made by the State, and accepted or acquiesced in by the Church, and (*γ*) others are the result of the joint action of the Church and the State. Foreign canon law, and papal law, and the pre-Reformation canon law of England, are only at present binding on the Church so far as their provisions have been sanctioned by long observance, and have thus become part of the customary law of the Church, or have been embodied in an unrepealed Act of Parlia-

ment or post-Reformation canon duly promulged. In fact, the only written regulations which govern the Church are to be found in Acts of Parliament, the Prayer-book[1] annexed to the Act of Uniformity of 1662 (14 Chas. II. c. 4), and the Thirty-nine Articles which are enjoined by Act of Parliament; and in the post Reformation canons, which, however, except so far as they are confirmed by Act of Parliament or declare the previous customary law of the Church, are only binding on the clergy. Of these canons the chief are those of 1603 or 1604, which were made during the sitting of the Southern Convocation, begun in the former of those years, and were also passed two years afterwards by the Convocation of York. Many of their provisions are, however, now obsolete; and some of them have been superseded by later canons. The canons of 1640 were passed after the dissolution of Parliament, which, according to the custom of the realm, put an end to Convocation; and they have no legal force.[2] As regards the effect of legal decisions on the laws of the Church, it is important to bear in mind that the function of courts, whether ecclesiastical or civil, is to declare and enforce, and, when necessary, interpret the law, and not to make it. At the same time cases frequently occur in which a judicial decision is given upon a point which has not been provided for, or has been left doubtful by the legislature. In that case, if the decision does not meet with approval, it rests with the legislative authority to overrule it by a new enactment. If this course is not taken, the decision virtually makes the law for the future upon the point at issue.

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[1] For the full title of the book see s. 3, below.

[2] The Act of 1661 (13 Chas. II. st. 1, c. 12), which restored ecclesiastical jurisdiction generally, provided that nothing therein contained should be held to confirm the canons of 1640, or any other ecclesiastical laws or canons not in force in the year 1639.

Legislative Authority.

3. The power of legislating for the Church is defined by the Act of the Submission of the Clergy of 1533.[1] The strictly correct method, especially in legislating on matters involving doctrine or ritual, is for the Convocations acting under the Royal licence and with the Royal assent, to take the initiative, and for Parliament to confirm their action. The best illustration of this course of procedure is to be found in the steps by which the present Prayer-book was authorised in 1662, as narrated in the Act of Uniformity of that year (14 Chas. II. c. 4). The preamble of this Act recites that the King had commissioned certain bishops and divines to review the Book of Common Prayer authorised by the Act of Uniformity of 1559 (1 Eliz. c. 2), and to prepare alterations and additions; and had afterwards authorised and required the presidents, bishops, and clergy of the two Convocations to review the Book of Common Prayer, and the Book of the Form and Manner of the Making and Consecrating of Bishops, Priests, and Deacons, prepared by the Commissioners, and to make such additions and alterations in the books as they should deem convenient, and to present the same to the King for his further allowance or confirmation; and that they had accordingly done so, and had presented the same in one book, entitled: 'The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the Use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in churches, and the Form and Manner of making, ordaining, and consecrating Bishops, Priests, and Deacons,' and that the King had fully approved of the book, and recommended to Parliament that it should be the book which should

[1] See Chap. III. s. 15.

be appointed for universal use. And the Act then goes on to prescribe its use. But the formal concurrence of the Convocations has not always been so definitely expressed or obtained, and there is more than one instance of their acquiescence being taken for granted. In the Acts of Uniformity of 1549 (2 & 3 Edw. VI. c. 1), and 1552 (5 & 6 Edw. VI. c. 1), and 1559 (1 Eliz. c. 2), which legalised the First and Second Prayer-books of Edward VI. and the Prayer-book of Elizabeth, no mention whatever is made of Convocation. And, in more recent times, the Prayer-book (Tables of Lessons) Act, 1871,[1] merely recites the appointment of a Royal Commission to consider (among other things) whether alterations and amendments might be made in the Lessons to be read during Divine service, and the report of the Commissioners recommending revised Tables of Lessons, On the other hand the Act of Uniformity Amendment Act of the following year,[2] which legalised Shortened Forms of Service and Special Services for particular occasions, recites not only the appointment of the Royal Commission and their Report, but also that the Queen had authorised the two Convocations to consider the Report of the Commissioners, and to report thereon to the Queen, which they had accordingly done. Even this Act, however, does not expressly record that its enactments are in harmony with the conclusions of the Convocations. In fact, the provision of the Act of 1533, which practically rendered the concurrence of the civil legislature necessary to every alteration in the law of the Church, has led to the great bulk of Church legislation being effected simply by Act of Parliament. During the periods when Convocation has sat for effective business, that body has generally been an approving or consenting party to it, but has not usually passed any concurrent

[1] 34 & 35 Vict. c. 37. [2] 35 & 36 Vict. c. 35.

canons. This was, however, done in 1865, when the Clerical Subscription Act was passed; and in 1888, when the Act extending the permissible hours of marriage became law; in both of which cases it was necessary to repeal certain provisions of the canons of 1603. Again, in 1892 a canon was made to give strict ecclesiastical sanction to a provision in the Clergy Discipline Act of that year as to declaring vacant, under certain circumstances, a benefice with cure of souls. In other instances the Church has actively or tacitly acquiesced in the ecclesiastical legislation accomplished by Parliament.

Convocation. 4. The scanty reference made to the two Convocations in statutes dealing with ecclesiastical matters, even after they resumed their regular sittings in the middle of the nineteenth century, is probably not a little due to their being, in fact, very imperfectly representative of the clergy. They consist, in each of the two provinces, of an Upper and Lower House. The Upper House, in each case, is composed of the archbishop, who is President of the Convocation, and the other diocesan prelates. Suffragan bishops have no seat in it, nor in the Lower House, unless they possess one there in some other capacity. In the Southern province the Lower House is composed of 25 deans and 25 proctors of cathedral establishments,[1] the Provost of Eton, 70 archdeacons, and 54 proctors of the beneficed clergy, being two for each diocese, or a total of 175 members. Of these, all but the last 54 are either nominees of the Crown or of some bishop, or are elected by such nominees. The York Lower House is slightly more representative, since it consists of 47 proctors of the beneficed clergy, being 2 for

[1] Including Westminster Abbey and Windsor, which send their dean and a proctor of their chapter to Convocation, as if they were cathedrals.

each archdeaconry,[1] besides 6 deans, 8 proctors of cathedral establishments and 24 archdeacons, or 85 members in all. Ever since the resumption of their sittings the Convocations have considered the question of enlarging their representation, being quite alive to the importance of doing so; and in 1897 the Southern Convocation drafted a canon for the purpose. It was proposed to ordain by this canon that the proctors of the clergy should consist of, at least, one for every archdeaconry, and not more than seven for any diocese; but, with these limitations, an archdeaconry of over 150 parochial cures should return two proctors, one of over 225 three, and one of over 300 four. Inasmuch, however, as the present constitution of Convocation is part of the laws and customs of the realm, the enactment of such canon would require not only the Royal licence and assent, but also statutory sanction. It is contemplated to obtain this by procuring an Act of Parliament which shall declare that the Convocations with the Royal licence and assent have power to reform their constitution. The passing of such an Act has not, however, as yet been effected.

Judicial Tribunals.

5. The creation of separate ecclesiastical courts by William the Conqueror has already been noticed.[2] At the present time these courts consist of (*a*) the bishop's consistory court in each diocese,[3] in which his chancellor or official principal usually sits as judge, though in some dioceses the right is reserved to any party to be heard before the bishop in person, if the bishop consents to give him a hearing, and (*b*) the archbishop's court in each province, which in that of Canterbury is called the Court of the Arches, and in that

[1] The archdeaconry of Man only returns one.

[2] Chap. III. s. 8.

[3] In the diocese of Canterbury this court is called the Commissary Court.

of York is styled the Chancery Court of York. The Dean of the Arches is judge in the one, and the official principal of the Archbishop of York in the other. But in order to satisfy a provision in the Public Worship Regulation Act, 1874,[1] the two archbishops have since that Act appointed the same person to hold the two offices. In all cases coming before a diocesan court there is an appeal to the archbishop's court; but under some circumstances a cause may go to that court in the first instance. Before the Tithe Commutation Act, 1836, these ecclesiastical courts could entertain suits for the subtraction of tithes, and until the middle of the nineteenth century they had jurisdiction in cases of defamation and brawling,[2] and also in matrimonal and testamentary matters. But these matters were withdrawn from them upon the establishment of the Courts of Divorce and Probate; and their jurisdiction is now practically confined to the ecclesiastical discipline of the clergy (in which brawling by a clergyman is still included[3]) and to a control over churches, churchyards, and other ecclesiastical property. This control is exercised by the grant of faculties authorising or requiring some act to be done; except where under the Public Worship Regulation Act, 1874, proceedings of a different character are instituted in the archbishop's court. Clerical offences are dealt with under one or other of three statutes—(i.) The Church Discipline Act, 1840;[4] (ii.) The Public Worship Regulation Act, 1874;[5] and (iii.) The Clergy Discipline Act, 1892.[6] The last of these

[1] 37 & 38 Vict. c. 85.
[2] As to brawling, see above, Chap. V. s. 10 (ii.).
[3] See (1860) 23 & 24 Vict. c. 32, s. 5.
[4] 3 & 4 Vict. c. 86.
[5] 37 & 38 Vict. c. 85.
[6] 55 & 56 Vict. c. 32.

prescribes the procedure in all cases of offences of the clergy, except in matters of doctrine or ritual. In some cases of conviction in a civil court, deprivation of all preferment is to follow as a matter of course. In other cases the trial is to be in the consistory court of the diocese before the chancellor or a deputy, and, if a question of fact is in issue and the defendant desires it, two clerical and two lay assessors; and the bishop on the finding of the court may pronounce sentence of deprivation or any lighter sentence, and may also, if the facts appear to warrant it, depose the offender from holy orders. An appeal lies, in certain cases, either to the provincial court or direct to the Judicial Committee of the Privy Council at the option of the appellant. Offences in matters of doctrine or ritual may be tried either under the Act of 1840 or under that of 1874. The procedure is different under the two Acts; but unless the offender submits to the summary jurisdiction of the bishop, he is in either case tried in the first instance by the judge of the provincial court, from whose decision an appeal lies to the Judicial Committee of the Privy Council. As already mentioned,[1] that body was substituted in 1832 for the Court of Delegates as the tribunal for hearing final appeals to the Sovereign in ecclesiastical cases.

Prohibition. 6. If the ecclesiastical courts overstep their jurisdiction or powers in any respect, they may be restrained by a prohibition issued out of the civil courts.

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[1] Chap. III. s. 16.

CHAPTER VIII.

EDUCATION.

Before the Reformation

1. In early times the Church provided the only means of diffusing education among the people as well as of administering other charities. Learning, secular no less than religious, was regarded as peculiarly within its province. In Western Europe, in the early part of the middle ages, the clergy or clerical body, in the widest sense of those terms, were practically the only portion of the population who were able to write. Hence every person employed in writing came to be called a *clerk*, and his employment was called *clerical*. The universities and their colleges, and all schools, were religious foundations, and closely connected with the Church.

After the Reformation.

2. At the Reformation, new schools were established in connection with the cathedrals of the new foundation,[1] and additional grammar schools were established and endowed out of property which had belonged to the dissolved monasteries. But no change was made in the relation of the Church to education. A royal injunction of the first year of Queen Elizabeth that no one should take upon himself to teach unless allowed by the Ordinary, was confirmed by statutes in 1581 and 1603, and by the Act of Uniformity of 1662.[2] The Canons of 1603 contained provisions to the same effect. Relief to dissenting teachers was first afforded

[1] See above, Chap. V. s. 3.

[2] 23 Eliz. c. 1, ss. 6, 7; 1 Jas. I. c. 4, s. 9; 14 Chas. II. c. 4, ss. 6, 7. See also (1713) 13 Anne, c. 7.

in 1779, and was extended in 1812.[1] But the power of the Ordinary over grammar schools was recognised and confirmed as late as 1840.[2]

Elementary Education.

3. The Prayer-book directs that the curate (*i.e.* the incumbent) of every parish shall diligently on Sundays and Holy-days, after the second lesson at Evening Prayer, openly in the church instruct and examine some of the children of the parish in part of the Catechism; but this direction has been very generally neglected. An Order in Council was made in 1633 to encourage the establishment of parish schools under the direction of the incumbents. Charity schools were first seriously started in 1685, and were taken up and extended by the Society for Promoting Christian Knowledge, after its foundation in 1698. In 1730, the system of Welsh 'circulating' schools was set on foot by Griffith Jones, rector of Llandowror; and fifty years later Robert Raikes of Gloucester initiated Sunday Schools, which have since been almost universally adopted. At the end of the eighteenth century, Dr. Andrew Bell introduced into England, in connection with the Church, the plan of elementary schools, with a staff consisting in part of pupil teachers, which he had previously started in Madras. Almost simultaneously, Joseph Lancaster, a young Quaker, proposed a similar scheme on undenominational lines. The Bell system was carried out by the National Society for the Education of the Poor in the Principles of the Established Church, which was founded in 1811, and that of Lancaster by the British and Foreign Schools Society, established three years earlier. The first parliamentary grant for education was made in 1833, when a sum of 20,000*l.* was voted towards the building

[1] 19 Geo. III. c. 44; 52 Geo. III. c. 155.
[2] 3 & 4 Vict. c. 77, s. 7.

of schools, and was handed over to the two Societies to be allocated for that purpose.[1] This grant was renewed annually until 1839, when an Education Committee of the Privy Council was formed, the system of government inspection was inaugurated, and the grant was changed into an annual subsidy for assisting not only the building, but also the up-keep of schools. It was then averred by Lord John Russell, in introducing the subject in the House of Commons, that 'religion was certainly a main part of sound education,' and that 'the four objects to which attention should be directed were, in the first place, religious instruction; in the second, general education; in the third, moral learning; and in the fourth, habits of industry applied in learning some trade or profession.'[2] In accordance with these principles, parliamentary grants of a continually increasing amount were made during the next thirty years in aid of voluntary contributions towards the building and maintenance of elementary schools, almost exclusively in connection with the two rival societies.

Act of 1870. 4. In 1870 a momentous new departure was made. The Elementary Education Act of that year authorised the formation of school boards in London, and wherever else it was necessary to supplement the provision for elementary education made by the schools voluntarily established by the Church and other religious communities. These boards were empowered to build board schools at the expense of the local rates, and to maintain them at the same expense, so far as their maintenance was not defrayed by the government grants out of the

[1] In that year the Church schools were educating 1,224,200 out of a total 1,276,000 children, receiving education in England and Wales. (Hansard, Parl. Debates, vol. xlviii, col. 1297).

[2] On 12th Feb. 1839. (Hansard's Parl. Debates, vol. xlv, col. 278, 281).

taxes, which were thenceforth to be paid in respect of board schools, upon the same terms as in respect of voluntary schools. The Act contained a provision (sect. 7) which applied alike to voluntary and board schools, and enabled a parent objecting to the religious instruction given in the school to withdraw his child from that instruction.[1] It also contained the famous Cowper-Temple clause which runs as follows :—

Sect. 14. (2) 'No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.'[2]

This clause, which was to apply to all board schools, imposed a limit on the religious instruction to be given in them which could not be passed. On the other hand, the Act contained no positive requirement that any religious instruction whatever need be imparted in a board school, and some few school boards accordingly dispensed with it altogether. An amending Act of 1876 laid down the principle of compulsory education; and another of 1891, by giving an additional annual parliamentary grant of 10*s.* per child (called the fee grant), in lieu of the fees up to 3*d.* per week previously paid in elementary schools, practically had the effect of introducing free elementary education throughout the country. Meanwhile, in spite of the competition of the rate-aided school board system, the efforts of the Church on behalf of elementary education were not relaxed. In 1870, the number of Church schools had been 6382, providing accommodation for 1,365,080

[1] This provision, commonly known as 'the conscience clause,' was purely negative, and did not enable the parent to demand for his child the religious instruction of which he approved.

[2] This clause, introduced on the motion of Mr. Cowper-Temple, was taken from the regulations of the schools under the British and Foreign Schools Society, which, however, required the reading of the Bible in all their schools,

children. In 1902, when the next great change was made, the number had increased to 11,711, with accommodation for 2,813,978 children. But the financial pressure occasioned by the raising of the standard of educational requirements had been felt for many years previously. It was partially relieved in 1897 by the Voluntary Schools Act of that year, which gave an additional 'aid-grant' out of the Imperial Exchequer of 5*s.* per head in respect of every child in average attendance in voluntary schools; while it permitted associations of schools to be formed for the purpose of receiving the aggregate amount of the 'aid-grant' due to the schools in the association, and distributing it among the schools according to the financial needs of each instead of according to the number of scholars.

Act of 1902. 5. This, however, could be only a temporary expedient; and in 1902 an Act was passed (supplemented as to the London School Board area by an Act of the following year) which abolished school boards and enacted that the county and county borough councils, acting through education committees, should be the local authorities for both elementary and secondary education.[1] They became responsible for the old board schools, and any others which they might establish, all of which were to be henceforth known as 'provided' schools, and were also to maintain out of the rates, so far as the parliamentary grant was insufficient for the purpose, the voluntary or 'non-provided' elementary schools within their area, including repairs to the buildings rendered necessary by wear and tear. But in other respects, the buildings of a non-provided school with any requisite additions or improvements,

[1] In some cases the councils of boroughs and urban districts were to be the local authority in respect of elementary education.

were to be kept up at the expense of the managers of the school, who were to be six, or some other even multiple of three, in number, and were to be appointed, as to two-thirds of their number, to represent the owners or trustees of the school, and as to the remaining one-third, by the local authorities. These managers were also to retain the power of appointing and dismissing teachers, but except in a question of religious instruction, they must, in exercising this power, obtain the consent of the local education authority. And what was known as the Kenyon-Slaney clause provided that

'Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: Provided that nothing in this sub-section shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is, or is not, in accordance with the provisions of the trust deed.' (2 Edw. VII. c. 42, s. 7 [6].)

In 1906 an attempt was made to make a new arrangement by the Education Bill of that year, which, however, was not passed.

Higher Education. 6. Since the middle of the nineteenth century the position of the Church with respect to higher education has also been greatly changed by legislation respecting the universities, public schools, endowed schools, and secondary education generally.

Universities. 7. Whether the colleges of Oxford and Cambridge were or were not, before the Reformation, regarded in law as strictly ecclesiastical corporations, it is certain that they, and the universities of which they formed part, were

closely connected with the Church, both in origin and by the governing statutes. These statutes were modified by Acts of 1854, 1856, and 1877, and under the powers conferred by those Acts on the Universities and colleges themselves and on the Commissioners appointed for the purpose. The two earlier Acts abolished the religious and other oaths and declarations previously required on matriculating in either University, and on taking a bachelor's degree (except in Divinity) at Oxford, and on obtaining an exhibition or scholarship, or taking any degree (other than in Divinity) at Cambridge; but the degree was not to entitle the holder to become a member of the Cambridge Senate until he had subscribed a declaration of his being a member of the Church of England. The Universities Tests Acts, 1871, went much further, and abolished the requirement of any religious subscription or declaration, or attendance at any religious observance or form of worship, or membership of any religious body, as a condition for taking a degree (except in Divinity) or exercising any right as a graduate or teaching or holding any office in the universities, or any of the colleges, of Oxford, Cambridge, and Durham. No person in any of those universities or colleges was to be compelled to attend the public worship of any religious body to which he did not belong, or any lecture to which he or his parent or guardian might object on religious grounds. But the college authorities were to provide religious instruction for all members *in statu pupillari* belonging to the Church of England; and Morning and Evening Prayer, or abridgments thereof, were to continue to be used daily in the college chapels.

Public Schools. 8. The constitution and government of the following public schools: Eton, Winchester, Westminster, Charterhouse, Harrow, Rugby, and Shrewsbury, were altered by the

Public Schools Act, 1868, and several amending Acts, and by statutes made under the powers thereby conferred. But the religious instruction and divine service in those schools continue to be those of the Church of England; and in the case of Eton and Westminster all the members of the governing bodies must belong to the Church. As regards governors or heads of Westminster, Winchester, and Eton, section 13 of the Act of Uniformity of 1662 requires that they shall declare their assent to the Thirty-nine Articles and to the Book of Common Prayer.

Endowed Schools.

9. Other endowed schools and grammar schools were dealt with in a more drastic fashion by the Endowed Schools Acts, 1869 and 1873. Schemes were to be made for their reorganization; and every scheme was to permit a parent or guardian to claim the exemption of a scholar from attending prayer or religious worship, or receiving religious instruction, and was to secure that a person's religious opinions or practice with regard to attending religious worship should not affect his qualification for membership of the governing body, and that the fact of not being in holy orders should not be a disqualification for appointment as a master. The jurisdiction of the Ordinary as to licensing masters was abolished; and, except in the case of cathedral schools, the schemes might provide for the transfer of visitatorial jurisdiction to the Crown. Moreover, schemes under the Welsh Intermediate Education Act, 1889, were further to ensure that no religious catechism or formulary distinctive of any particular denomination should be taught to any day scholar, and that the times for prayer or religious worship and religious instruction should be so arranged as to enable a day scholar to be conveniently withdrawn therefrom. But, except with the consent in each case of the governing body, these various pro-

visions were not to apply to a cathedral school, or to a school where the founder had expressly required that the scholars should be instructed according to the doctrines or formularies of a particular religious body, or, in the case of a school founded since 1689, that the majority of the members of the governing body, or of the persons electing them, or the principal teacher, or the scholars, should be members of a particular religious body.

Other Secondary Education.

10. Part II. of the Act of 1902, already referred to,[1] required the councils, who were constituted the local education authorities, to take steps for promoting the general co-ordination of all forms of education, and for supplying or aiding the supply of higher education in their areas, and authorised the application for the purpose of a limited amount of money out of the rates; and a very elaborate provision was inserted with reference to religious instruction and worship in connection therewith.[2]

Modern Institutions.

11. As a set-off against the educational institutions which modern legislation has thus severed from close

[1] See above, s. 5.

[2] '(1) A council in the application of money under this part of this Act shall not require that any particular form of religious instruction or worship, or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught or practised in any school, college, or hostel, aided but not provided by the council; and no pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel provided by the council; and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided; except in cases where the council at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council: Provided that, in the exercise of

connection with the Church, the voluntary gifts of Church people have provided other institutions, which the altered conditions of the times have rendered necessary. Besides middle-class schools on a distinctive Church basis, training colleges have been established to supply teachers for elementary schools; and clergy schools and theological halls have been founded to prepare candidates for holy orders, either by way of supplement to a university career, or in substitution for it. Moreover, a training college for lay readers or evangelists is carried on by the Society for Promoting Christian Knowledge.

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this power, no unfair preference shall be shown to any religious denomination.

'(2) In a school or college receiving a grant from, or maintained by, a council under this Part of this Act,

'(*a*) A scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college, or elsewhere; and

'(*b*) The times for religious worship, or for any lesson on a religious subject, shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.' (2 Edw. VII. c. 42, s. 4.)

CHAPTER IX.

Modern Representative Assemblies.

Church Autonomy at the Reformation.

1. As has been already pointed out, the effect of the Reformation settlement was to place the legislation and government of the Church in the joint hands of the Crown, Convocation, and Parliament; which virtually meant in the joint hands of the bishops, clergy, and laity of the Church, since the idea that any Englishman could fail to be a member of the Church of England was not at that time contemplated. Whatever opinion may be held as to the due proportion of power vested in each of these three orders, it is clear that the arrangement meant at the time the autonomy of the Church, since none but Churchmen had any share in her government. The same may be said as to the local management of Church affairs. In each parish it was in the hands of the incumbent and churchwardens and the parishioners in vestry assembled, who were all assumed to be conforming members of the Church of England.

Subsequent Infringements.

2. But this ideal was not long maintained in practice. It was not at once interfered with by the secession of the first Dissenters in 1566, and the separation of the Roman Catholics in 1570; nor even, after the restoration of the monarchy and of episcopacy in 1660, by the Act for the toleration of Protestant Dissenters passed at the beginning of William and Mary's reign; for they did not by that Act acquire any political power. But it was in theory

infringed by the admission of Scotch Presbyterians into Parliament on the union of England and Scotland in Queen Anne's reign; and was entirely upset in the nineteenth century by the free extension of political privileges both in and out of Parliament to Roman Catholics, Protestant Dissenters, and Jews, and persons professing no religion whatever. At present neither the Parliament of the nation, nor the parochial vestries can make any claim to be representative Church assemblies. As long as the Church remains the national exponent of religion, Parliament, as representing the nation, has a right to a veto on any ecclesiastical legislation, so as to preclude the Church from being thereby dissociated from the general religious feeling of the country. But in order to secure the concurrence of the Church laity in such legislation and in the administration of ecclesiastical affairs, the need has arisen for new assemblies which at present have no recognised constitutional standing.

Diocesan Conferences.

3. The earliest of these to be formed were the Diocesan Conferences, which came into existence early in the last half of the nineteenth century. Their composition varies in details in different dioceses, though they all more or less adhere to one general type. According to this type they consist of the bishop and the principal ecclesiastical dignitaries of the diocese as *ex-officio* members, a certain number of lay *ex-officio* members, and clerical and lay representatives from the rural deaneries. The bishop has an absolute control and veto over all the proceedings, and with the assistance of the Standing Committee of the Conference, decides the subjects to be considered. All questions, of whatever character, brought before the conference are freely discussed by clergy and laity alike; and, with the assent of the bishop, resolutions are passed by the whole body voting together,

unless a vote by orders is demanded, in which case there must be a majority of both clergy and laity in its favour. The conferences usually meet once a year for one or two days. Besides the standing committee, they generally have other committees attached to them, which administer various ecclesiastical and charitable concerns in the diocese.

Ruridecanal Conferences.

4. As has been already stated, according to present practice, clergymen licensed as assistant curates or otherwise in a rural deanery, as well as the incumbents, attend the ruridecanal chapter.[1] But most, if not all, of the rural deaneries have, besides, a ruridecanal conference, consisting of the members of the chapter and two or three representative laymen from each parish. They usually meet twice or thrice in the year and discuss subjects brought before them by the rural dean, sometimes by the desire of the bishop, and either after or without consultation with the chapter or a mixed executive committee of clerical and lay members of the conference. The rural dean presides and has a second or casting vote, but it is not the practice to have voting by orders. The clerical representatives of the rural deanery in the diocesan conference are elected by the ruridecanal chapter and the lay representatives by the lay members of the ruridecanal conference.

Parochial Church Councils.

5. The vestries being no longer Church assemblies, it would be desirable that in every parish, whether old or new, there should be a parochial Church council consisting of communicant laymen and elected by the Church people of the parish. The council should have a definite voice in parochial Church matters; but should be unable to take any action without the consent of the incumbent,

[1] Chap. V. s. 4.

except upon an appeal to the bishop, who might have the power of overruling the incumbent's veto. All this, however, would require legislation; and, in the meantime, voluntary parochial councils have been formed in a few parishes to give counsel and assistance to the incumbent. These, however, of course, in each case, exist only by his sufferance, and have as much or as little power and weight as he chooses.

Houses of Laymen.

6. But the fact of Parliament having ceased to represent the Church laity in ecclesiastical matters, has required the creation of something more than assemblies limited to dioceses or smaller areas. In 1885 the Southern Convocation, under the guidance of Archbishop Benson, resolved on the creation of a House of Laymen for the Province of Canterbury, consisting of a certain number of lay representatives for each diocese, elected by the lay members of the Diocesan Conference, concurrently with the election of proctors to the Lower House of Convocation; that is to say, after every dissolution of Parliament. According to its constitution, the House was formed to confer with the members of Convocation, and the subjects on which it might be consulted were all subjects which ordinarily occupy the attention of Convocation, saving only the definition or interpretation of the faith and doctrine of the Church. But, besides being consulted by the Archbishop and Convocation, the House, in practice, frequently initiates discussions and passes resolutions on its own account. It first met on February 16th, 1886; and six years later a similar House of Laymen was formed for the Northern Province, and met for the first time on April 20th, 1892. Under the scheme for the representation of the laity mentioned below (sec. 8) the numbers of the two Houses were largely increased in 1906, and the Canterbury House now consists of 232 members, and

the York House of 111. The two Houses sometimes hold joint sittings, when resolutions are passed by a majority of the members present at the session.

Representative Church Council.

7. On November 5-6, 1896, a joint meeting was held, at the Church House, Westminster, of all the four Houses of Convocation and the two Houses of Laymen, to discuss the education question. This combined gathering of the bishops and clerical and lay representatives of the two provinces was repeated in July, 1902, and again in July, 1903, when resolutions were passed for continuing it in a permanent form under the name of the Representative Church Council. The scheme obtained the separate approval of each of the Houses of Convocation and Houses of Laymen of both Provinces, sitting apart, and in November, 1905, the new Council formally adopted a constitution, a set of standing orders for the conduct of its business, and a scheme for the representation of the laity.[1] Under this Constitution the Council consists of three Houses: (i.) the House of Bishops, composed of the members for the time being of the Upper Houses of Convocation of the two Provinces; or, in other words, the archbishops (who are joint Presidents of the Council) and the diocesan bishops; (ii.) the House of Clergy, composed of the members for the time being of the Lower Houses of Convocation of the two Provinces; and (iii.) the Lay House, composed of the members for the time being of the two Houses of Laymen. Nothing, except a mere question of procedure, is to be deemed to be decided by the Council which has not received the assent of each of the

[1] These are published together, and may be had (price 2*d.*) at the National Society's Depository, 19 Great Peter Street, Westminster, or from the Society for Promoting Christian Knowledge, Northumberland Avenue, W.C.

three Houses sitting together or separately; so that, when the Council sits together as one body, and a division is challenged, the votes of each of the three Houses of the Council are taken separately. The Council is not in any way to interfere with the exercise by the episcopate of their inherent power and functions, nor with the powers and functions of the Houses of Convocation of the two Provinces; and no statement purporting to declare the doctrine of the Church on any question of theology is to be issued by the Council. But, subject to these reservations, the Council may freely discuss and pass resolutions upon questions of doctrine and discipline, with this important proviso—namely, that

'any projected legislative measure touching doctrinal formulæ or the services or ceremonies of the Church, or the administration of the sacraments and sacred rites of the Church, shall be initiated in the House of Bishops and shall be discussed by each House sitting separately; and the Council shall either accept or reject the measure in the terms in which it is finally proposed by the House of Bishops, after that House has received and considered the reports of such separate discussions.'

At the joint meeting in 1903 it was resolved that the question of obtaining a legal constitution and authority for the Council should be reserved for consideration until after the Council had, upon a voluntary basis, come into working order. No attempt has as yet been made to deal with this question.

Representation of the Laity.

8. Concurrently with the constitution of the Representative Church Council, a scheme for the representation of the laity, which had been discussed in various Church assemblies for some years previously, was definitely settled. Under this scheme the initial electoral areas are the ecclesiastical parishes (including an undivided ancient parish, and the part

of a divided ancient parish which remains ecclesiastically attached to the old parish church) or a group of these parishes, where they are grouped by the diocesan conference of the diocese. The electors in each of these areas are the persons of full age who if the male sex are resident therein and if of the female sex possess, as householders or owners, the vestry qualification therein, and are, in either case, lay members of the Church of England, having the status of a communicant, that is to say either (*a*) being an actual communicant, or (*b*) having been baptized and confirmed and being admissible to Holy Communion, and not belonging to any religious body which is not in communion with the Church of England ; and the electors must sign a declaration that they have the status of a communicant lay member of the Church of England. The electors in each area are to elect parochial lay representatives to the Ruridecanal Conference of the rural deanery in which the area is situated, and these again are to elect such number of lay representatives for the deanery to the Diocesan Conference as that conference may prescribe. Then the elected lay members of the Diocesan Conference are to elect to the House of Laymen of the Province one representative of the diocese for the first 100,000 or under of the population of the diocese, and one more for every further complete 100,000, and any additional fraction of 100,000. All representatives, to whatever body they are elected, must be lay communicant members of the Church of England of the male sex and of full age ; and at every election each elector is to have as many votes as there are seats to be filled, but cannot give more than one vote to any one candidate.

Church Congress.

9. The Church Congress is quite an informal gathering of Church people of both sexes, which first met in the

Hall of King's College, Cambridge, in 1861, and has since held an annual session for the inside of a week in the early autumn at some populous centre in different parts of the country. The Bishop of the Diocese in which it is held is the President for the year, and any persons can become members by purchasing a ticket. The subjects to be handled are fixed beforehand by a committee in the diocese, and are brought before the Congress in set papers and speeches, which are followed by a general discussion, but no resolutions are moved or divisions taken upon them.

PART II.

EXTENSION OUT OF ENGLAND.

CHAPTER I.

The Episcopal Church of Scotland.

The Church before the Reformation.

1. Mention has already been made of the early connection of the Celtic Church in the West of Scotland, which was developed by SS. Ninian, Kentigern, Palladius, and Columba, with the Church of Northumbria, which at that time extended as far north as the Forth.[1] This connection was temporarily severed by the issue of the Council of Whitby,[2] but there are traces of the Scottish Church having come into communion with the Church of Rome at least as early as the tenth century. After the see of York was made an archbishopric in 734, some of the Scottish dioceses were for several centuries included in the Province of York, and the northern primates put forward claims to exercise metropolitical jurisdiction over the others as well. These claims were, however, never admitted, and although for a long time there was no archbishop in Scotland, yet from, at any rate, the tenth century onwards the bishop of St. Andrews was regarded as the chief or primate among the bishops who were outside

[1] Part I. Chap. I. s. 3. [2] *Ib.* s. 4.

the province of York—a position which had been previously held by the abbot of Iona. At length, in 1470, the see of St. Andrews was raised by the Pope to the dignity of an archbishopric, and a second archbishopric—that of Glasgow—was created in 1492. At the Reformation, contrary to what took place in England, the Scottish bishops did not take the lead in the movement; episcopacy was overthrown, and the old episcopal succession of the Church died out.

Renewal of the Episcopate.

2. After the accession of James I. to the English throne, episcopacy was for a time restored in the Church of Scotland, and Spottiswoode, Lamb, and Hamilton, who had been appointed Archbishop of Glasgow, and Bishops of Brechin and Galloway, were consecrated in London by four English bishops, according to the English form, although they had not previously received episcopal ordination.[1] The three prelates, on their return to Scotland, consecrated the persons who had been appointed to the Archbishopric of St. Andrews and the other Scotch sees. But this line only lasted for a short time. The bishops were deposed in 1638, and Presbyterianism was formally set up three years later. In 1661, after the Restoration, episcopacy was again established; and four Scottish bishops were once more consecrated in London by four English bishops—two of them, Sharp and Leighton, who had only received presbyterian ordination, being previously ordained deacons and priests.

[1] Archbishop Bancroft, in reply to an objection on this incident raised by Bishop Andrews, of Ely, replied that there was no necessity for their being previously ordained presbyters, (*a*) because where bishops were not to be had, ordination by presbyters must be esteemed valid, otherwise it might be doubted whether there was any lawful vocation in most of the Reformed Churches; and (*b*) because the episcopal character could be given by the single act of consecration, as was shown by several examples in the early Church.

They again, on their return to Scotland, consecrated bishops for the other sees. Probably all of these had formerly received episcopal ordination; but if not, there is no evidence of any of them having been required to be re-ordained. At the Revolution the Scottish bishops declined to acknowledge the title of William and Mary to the crown, and Presbyterianism finally became the established form of Church government in Scotland. For the next seventy years the members of the Scottish Episcopal Communion were subjected to severe restrictions and disabilities, mainly owing to their Jacobite proclivities, and their refusal to recognise the reigning dynasty. But the episcopal succession was privately maintained; though the archiepiscopal titles were abandoned, and the bishops from time to time selected one of their number to be *Primus*, or head of their college. After the accession of George III. the situation was much alleviated, and at length, in 1792, when all prospect of a Stuart restoration had been abandoned, and the recognition of the title of the reigning king had become practically universal, an Act was passed repealing all the penal statutes against the Scottish Episcopalians; but requiring that their clergy, before ordination, should subscribe to the Thirty-nine Articles of the Church of England, and take the oaths of allegiance and abjuration, and that prayers for the king and royal family should be offered in their public worship. These conditions were accepted, and the Thirty-nine Articles were formally adopted by the Church.

The Scotch Communion Office.

3. A distinctive Communion Office was first put forth in Scotland in 1637, as part of the Service-book then compiled, which in other respects was nearly identical with the English Book of Common Prayer. The use of this book in St. Giles' Cathedral, on July 23rd in that year, occasioned the

notorious riot, in the course of which a stool was thrown at the Bishop of Edinburgh in the pulpit. But neither the Communion Office nor the rest of the book had the effect of entirely excluding the alternative use of the English forms of service among Scotch Episcopalians. Various slight alterations were subsequently made in the Office, and were incorporated in an edition printed in 1735. Another edition was published in 1743; at which time the bishops formally declared that it was never intended to prohibit or restrict the use of the English Liturgy. A further revised edition, issued in 1764, became recognised in practice as the authorised use of the Church.[1]

Present Canons. 4. The law of the Church underwent an important revision in 1863; and the canons then passed recited that the English Book of Common Prayer was, and had been for many years past, in general use, not only for the performance of morning and evening service, but also for the administration of the Sacraments and of the rites and ceremonies of the Church. And it then proceeded to enact that this book should be held to be the Service-book of the Episcopal Church of Scotland for all the purposes to which it was applicable. But this was not to alter the practice of congregations which at that time were using the Scotch Communion Office. In those congregations its use was to be continued, unless the incumbent and a majority of the communicants concurred in its disuse; but in all new congrega-

[1] In the Scotch Office our LORD'S summary of the law in two commandments (Mark xii. 29-31) is allowed as an alternative for the Decalogue. The Prayer of Consecration is similar to that afterwards adopted by the American Church, with the variation noticed in Part II. Chap. III. s. 8, note 1. The Prayer for the whole State of Christ's Church, the Lord's Prayer, Confession, Absolution, Comfortable Words and Prayer of Humble Access, are said between the Prayer of Consecration and the distribution of the elements.

tions the office of the English Book of Common Prayer was to be used, unless the majority of the applicants for the formation of the congregation declared to the bishop that they desired the use of the Scotch Office. The canons were further revised in 1876 and 1890.[1]

Bishops and Deans.

5. There are now seven dioceses. The bishops are elected by (*a*) a clerical chamber consisting of the incumbents of the diocese and assistant clergy of at least three years' standing in the diocese, no congregation having more than two clerical electors, and (*b*) a lay chamber consisting of one lay representative for each congregation, chosen by the male communicants of full age, and being himself a communicant not less than twenty-four years of age. The clerical electors nominate some suitable person or persons, for whom the lay electors then vote. No person is elected unless he obtains a majority of votes in each chamber, and the election will be annulled if within two months a majority of the diocesan bishops object to it in writing. One of the bishops holds the office of Primus, to which he is elected for life by the diocesan bishops assembled in synod, and which involves, among other duties, presiding at all meetings of the bishops with a casting as well as a deliberative vote, and discharging episcopal functions in any vacant diocese. If a bishop becomes incapacitated by age and infirmity and does not resign, the college of bishops may decide that a coadjutor bishop is required. He is then to be elected in the same way as a diocesan bishop, and will succeed to the see when it becomes vacant. Meanwhile, he may attend

[1] The validity of the canons of 1863, and the powers of the General Synod as to making canons and otherwise, were judicially recognised by the House of Lords in the case of Forbes *v.* Bishop Eden (1867), *Law Reports*, 1 *Scotch and Div. Appeals*, 568.

synods as if he were a diocesan, but has no vote except in the absence of the bishop to whom he is coadjutor. In every diocese there is a dean appointed by the bishop and holding office for life or until he ceases to be an incumbent in the diocese. He presides at diocesan synods in the absence of the bishop and during a vacancy in the see. The bishop may also appoint a lay chancellor to advise him in legal matters and act as his assessor in the diocesan synod.

Pastoral Charges.

6. The right of presentation to the pastoral charge of a church is exercisable by the person or persons in whom it is vested by the constitution of the Church; and any question as to the right of patronage is determined by the bishop, subject to an appeal to the Episcopal Synod, or, if the bishop is a party to the dispute, by that synod in the first instance. The presentee, before institution, signs his assent to the Book of Common Prayer and the Thirty-nine Articles, and promises due obedience to the canons of the Church. In default of presentation for a period of six months, the appointment lapses to the bishop. The incumbency becomes vacant not only by death or resignation, but also if the majority of the vestry or managing body, on the certificate of two medical men (nominated one by themselves and the other by the incumbent or his two nearest relatives or the bishop), resolve that the incumbent is physically or mentally incapable of discharging his duty, and the resolution is approved by the bishop. In that case, the managers of the vacated charge are to provide, to the satisfaction of the bishop, a retiring allowance for the incumbent.

Church Government.

7. The ordinary business of the whole Church is conducted by the Episcopal Synod, which consists of

the diocesan bishops and meets annually, while that of each diocese is under the direction of the diocesan synods, which also meet annually, and are composed of the bishop, the dean, and the same clergy as have a right to vote in the election of a bishop. Every male communicant of full age resident in the diocese may attend the diocesan synod, and, with the bishop's leave, may address it, but has no vote. When the bishops consider any fresh canons or other legislation to be necessary, a general or provincial synod is held for the purpose. It consists of two chambers, the bishops sitting in one and in the other the deans, the Warden of Trinity College, Glenalmond, the Pantonian Professor of Theology, and representatives from each diocese, who must be incumbents and are chosen by the diocesan synod on the basis of one representative for every fifteen incumbencies. In order that any proposition may be carried, it must be passed by a majority in each chamber. The laity are only admitted to a share in the management of the financial and temporal affairs of the Church. These affairs, in the case of each congregation, are under the control of a vestry consisting of male communicants of full age elected by the adult communicants of both sexes. The same electors choose a lay representative to be a member of the diocesan council for administering the temporal affairs of the diocese and of the representative Church council for the temporal affairs of the whole Church. This general council includes, besides them, three other lay diocesan representatives from each diocese, added by the diocesan council, and also the bishops and clergy of all the dioceses.

Discipline. 8. The trial of an accused clergyman takes place before the diocesan synod of the diocese with which he is connected, and judgment is pronounced by the bishop after the

clergy present have expressed their opinions on the case. An appeal lies from the judgment to the Episcopal Synod, whose decision is final. An accusation against a bishop is heard by the Episcopal Synod in the first instance, and there is no appeal from its judgment.

Lay Readers and Catechists.

9. The Scottish Church anticipated the Church of England in according certain definite spiritual functions to laymen. The canons of 1863 empowered a bishop to appoint lay readers and catechists to read the Common Prayer and Holy Scriptures in such places within his diocese and under such regulations as he might deem expedient, but they were not to minister to existing congregations except with the consent and under the direction of the incumbent. Their appointment was to be revocable at any time at the will of the bishop.

Relation to the rest of the Anglican Communion.

10. The same canons declared that the Church recognised as in full communion with herself the (then) United Church of England and Ireland, the Colonial and other branches of the same and the Protestant Episcopal Church in America. But no clergymen of any of these sister Churches or from any other Scotch diocese may officiate in any congregation of the Scottish Church for more than four weeks in any one year without the written permission of the bishop of the diocese; and a clergyman coming from one of the sister Churches, who has resided in Scotland for more than three months without holding a licence from a Scotch bishop must, before being instituted to any pastoral charge in the Church, present not only proper testimonials from his mother Church, but also a satisfactory testimonial from, at least, one presbyter or two male communicants of the Scottish

Church, to whom he has been personally known during his residence in Scotland.

Scottish Clergymen in England.

11. Under the Episcopal Church (Scotland) Act, 1864,[1] which substantially re-enacted the provisions of earlier statutes from 1792 onwards, a person ordained by a Scottish bishop who has not already held a benefice or ecclesiastical preferment in England or Ireland, is not entitled to be admitted to any benefice or preferment in England without the approval of the bishop of the diocese in which it is situated; and the bishop may withhold approval without assigning any reason; and, before admission, or before being licensed to a curacy in England, he must make and subscribe before the bishop the same declarations and subscriptions as would have been required from him at his ordination if he had been ordained in England. And if he either (*a*) knowingly officiates more than once within three months in any church or chapel in England without notifying the fact to the bishop of the diocese, or (*b*) officiates in any diocese contrary to an injunction under the hand and seal of the bishop, he is liable to pay to Queen Anne's Bounty a penalty of 10*l.* for every such offence.

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[1] 27 & 28 Vict. c. 94.

CHAPTER II.

The Church of Ireland.

Early History. 1. The planting and early growth of Christianity in Ireland are hid in the same obscurity as in Great Britain. But it is certain that from the first there was an intimate connection between the Churches of the two islands, and St. Patrick, the consolidator of the Irish Church, was born in Britain, probably in the neighbourhood of Glasgow, early in the fifth century. The Irish Church early became renowned for its learning and missionary zeal. From Ireland came St. Columba and others who carried the Gospel into the west of Scotland, whence, as has been mentioned,[1] the Church in Northumbria and in other parts of England derived its origin. As in Scotland, so in Ireland, there was not that early territorial division of the Church into dioceses and parishes which took place in England. Bishops and clergy continued to live in monastic and collegiate establishments; and in some cases the bishops were subordinate to the abbots, and even to the abbesses, who were at the head of these establishments.

Subjection to the Papacy. 2. The Irish Church remained independent of the see of Rome for a longer time than the Church of England. The Roman connection was first introduced into Ireland by the Danish invaders, who, on their conversion to Christianity, set up in Dublin and some other maritime cities a rival episcopacy in communion with Rome and England. In 1106, one of

[1] Part I. Chap. I. s. 3.

these Danish bishops was appointed by the Pope to be his legate, and in 1151, the Pope conferred on the bishops of Armagh, Cashel, Dublin, and Tuam, the dignity of archbishop. At the synod of Kells, in 1152, the Roman use was accepted in place of the old Irish rites. Upon the conquest of Ireland by Henry II. in 1171, the Irish Church was brought into the same relations with Rome as those in which the Church of England stood to that see; and at the Council of Cashel in the following year, it was decreed that she should conform to the Church of England in public worship.

The Reformation. 3. At the Reformation, the Church of Ireland followed the course taken by the Church of England. The Thirty-nine Articles of Religion were accepted at a Synod held in Dublin in 1634; and the Prayer-book of 1662 was adopted by another synod, also held at Dublin, in the same year as it became law in England. But unfortunately, no attempts were made to reconcile the bulk of the people to the reformed use; and the estrangement of their religious as well as their political sympathies from the English was stereotyped by the introduction of a new Roman episcopate from Italy and Spain. The indigenous Church of Ireland contained from thenceforth only a minority of the population, and its dignities were largely bestowed by the Crown upon Englishmen.

Union with the Church of England. 4. On the political union of Ireland with Great Britain under one parliament in 1801, the Churches of England and Ireland were by the Act of Union united into one Church, bearing the title of 'The United Church of England and Ireland,' and it was provided that four Irish bishops, by rotation of sessions, should have the right to sit and vote in the Parliament of the United Kingdom.

Union of Provinces and Sees.

5. By an Act of 1833,[1] the archiepiscopal jurisdiction and dignity attached to the sees of Tuam and Cashel were suppressed, and the Province of Tuam was merged in that of Armagh, and the Province of Cashel in that of Dublin. At the same time ten bishoprics were united to ten others, thereby reducing the total number of prelates from twenty-two to twelve.[2] Certain deaneries and benefices were also united or suppressed, and the revenues of the Church were readjusted.

Disestablishment.

6. The Church of Ireland was severed from the Church of England, and was disestablished and disendowed, as from 1st January, 1871, by the Irish Church Act, 1869.[3] As from that date all ecclesiastical corporations in Ireland, whether corporate or sole, were dissolved, and Irish archbishops and bishops ceased to sit in the House of Lords. At the same time the Act annulled any statute, law, or custom which prevented the prelates, clergy, and laity of the Church from holding synods or conventions, or framing constitutions and regulations for the government and management of the Church. The ecclesiastical courts were abolished, and the ecclesiastical law, except as to matrimonial matters, was to cease to exist as law, but was to be binding on the members of the Church as if they had mutually contracted to observe its provisions.

[1] 3 & 4 Will. IV. c. 37.

[2] The total number of Irish dioceses is thirty-four, but twelve of these had been united to other bishoprics before 1833. The diocese of Clogher has since been re-erected into a separate see, so that the number of prelates is now thirteen. The Archbishop of Armagh is Primate of All Ireland, and the Archbishop of Dublin is Primate of Ireland. By a Royal ordinance of March 26th, 1885, the archbishops and bishops of the Irish and Roman Churches have joint precedence in Ireland according to seniority.

[3] 32 & 33 Vict. c. 42.

The Crown was empowered to incorporate a Representative Church Body to hold lands and property for the purposes of the Church on being satisfied that the bishops, clergy, and laity had appointed such a body to represent the Church ; and provision was made for vesting in the body some of the sacred edifices, and certain other portions of the property previously belonging to the Church.

Constitution. 7. As contemplated by the Act, a constitution to meet the altered conditions of the Church was drawn up by a General Convention in 1870, and was consolidated in 1899. The declaration prefixed to it sets forth that the Church adheres to the faith, doctrine, sacraments, and discipline of the Primitive Church ; receives the Thirty-nine Articles of Religion ; will continue to use the Book of Common Prayer, subject to such alterations as may from time to time be made in it by the lawful authority of the Church ; and will maintain communion with the Church of England and all other Christian Churches agreeing in the principles of the Declaration.

General Synod. 8. The legislative power, and such administrative power as is consistent with the episcopal constitution of the Church, is vested in the General Synod which meets annually. It consists of three orders, viz., Bishops, Clergy, and Laity ; and two Houses, viz., the House of Bishops and the House of Representatives ; but both Houses sit together in full synod for deliberating and transacting business, except in certain special cases.

The second House is composed of 208 representatives of the clergy, and 416 of the laity, allotted among the dioceses in proportion to their Church population, and elected respectively by the clerical and lay members of the diocesan synods for a period of three years. Any clergyman of the Church in priest's

orders is qualified to be a clerical representative; and a lay representative must be of full age and a communicant member of the Church. A clergyman not having any cure of souls, but owning property in the diocese, is qualified to be a lay representative of such diocese. In order that a question may be carried, it must receive the assent of (*a*) a majority of the representatives present voting conjointly, or a majority of each order in case ten members present require that the voting shall be taken by orders, and (*b*) a majority of the bishops present. But a question which has been affirmed by the representatives, but negatived by the bishops, is to be deemed carried, if at the next ordinary session it is re-affirmed by not less than two-thirds of the representatives voting conjointly, or by orders, unless it is negatived by not less than two-thirds of the bishops present and voting and giving their reasons in writing.

Diocesan Synods.

9. There is a diocesan synod in every diocese, which meets annually. But where several dioceses are under the same bishop, they, or any of them, may unite in one synod; and any diocese may divide itself into two districts for the purpose of holding the synod in two parts. The synod consists of the bishop, the beneficed and licensed clergymen of the diocese, and synodsmen elected to represent each parochial or district church in the diocese having a register of vestrymen, in the proportion of not more than two synodsmen for every clergyman officiating therein. A synodsman must be of full age and a lay communicant member of the Church, or else a clergyman not having cure of souls and owning property within the parish for which he is elected. Each diocesan synod makes its own regulations for the registration and revision of lists of persons entitled to vote at the election of synodsmen, the mode of voting at the

election, and the manner of determining disputed returns. An Act of the Synod requires the assent of a majority of the clergy and synodsmen voting conjointly, or a majority of each order if six members present require a vote by orders; and also the assent of the presiding Bishop or Commissary. In case of his dissenting from the two orders, if the act is reaffirmed at the next annual meeting of the synod by a two-thirds majority of each order and the bishop still dissents, it is to be submitted to the General Synod, whose decision shall be final. That synod can also vary, repeal, or supersede any act or proceeding of a diocesan synod. A diocesan council is appointed yearly by each diocesan synod, consisting of the bishop and such number of clergy and synodsmen as the synod determines, to exercise such powers as the synod assigns to it.

Parochial Organization.

10. For every church in which a beneficed or licensed clergyman officiates, a register is to be kept of the persons qualified to be vestrymen. The qualification for voting as a vestryman is (i.) membership of the Church; (ii.) either (*a*) ownership of landed or house property of at least 10*l.* yearly value and a contribution to the funds of the church of 1*l.* or upwards within twelve months before voting or 50*l.* or upwards in one sum, or (*b*) residence or (*c*) accustomed membership of the congregation of the church for three months previously, and (iii.) should the diocesan synod so require, but not otherwise, subscription to the Church funds. Except under the ownership of property qualification, no one can be registered as a vestryman in connection with more than one church. Registration appeals are decided by the diocesan council. A vestry meeting is held every year within six days after Easter, at which two churchwardens are chosen, one by the incumbent, curate, or officiating

clergyman, and the other by the vestrymen, who also elect the synodsmen, and not more than twelve of their number to act, with the incumbent and any curates and the churchwardens, as a select vestry to manage the parochial church affairs.

Appointment to Cures.

11. Each Diocesan Synod immediately after its triennial election, elects one lay and two clerical members of its body to form with the bishop a Committee of Patronage for the diocese for the ensuing three years; any vacancy in the meantime being filled up from a supplemental list which is settled for the purpose. Moreover, once in every three years the vestrymen in every parish elect three persons having the qualification of synodsmen to be nominators for the parish. And when a vacancy in a cure of souls occurs, the Diocesan Committee of Patronage, with the parochial nominators of the vacant cure, form a board of nomination to nominate a clergyman to the bishop to fill the vacancy. The bishop, if present, presides, and has an original and also a casting vote. If the bishop rejects the nominee of the board, an appeal may be brought to the Court of the General Synod.

Election of Archbishops and Bishops.

12. When a see becomes vacant otherwise than by promotion to the archbishopric of Armagh, a meeting is held of the diocesan synod or of all the diocesan synods (if the see comprises more than one diocese), and a somewhat complicated system of choice between several names is resorted to for the purpose of electing a person to fill the see. If in the course of the proceedings any person obtains two-thirds of the votes of each order, clerical and lay, he is thereupon declared elected. If not, the voting proceeds until two persons have each received a majority of the votes of each order, and the names of the two are sent up to the bench of bishops, who thereupon

elect one of them to the vacant see. In case of failure to obtain the requisite majorities in the diocesan synod, the synod may refer the appointment of the new bishop to the bench of bishops without sending up to them any names.

When the archiepiscopal see of Armagh, which carries with it the primacy of All Ireland, becomes vacant, the procedure varies according as there are or are not at the time two existing bishops who, under the arrangement to be presently mentioned, owe their seat on the bench of bishops to the action of the diocesan synod of Armagh. If there are, the House of Bishops at once meet and elect one of their number to be Archbishop of Armagh and Primate of All Ireland; and the synod of the diocese thereby vacated meet and elect their new bishop. But if not, the diocesan synod of Armagh meet for the election of a new prelate, and the election is conducted in the ordinary course. When it is completed, the House of Bishops choose one of their number (among whom is included for that purpose the newly-elected bishop) to the archbishopric of Armagh and primacy of All Ireland; and if the newly-elected bishop is not chosen for that office, he succeeds to the see vacated by the bishop who is so chosen; except that if the Archbishop of Dublin is chosen to be Archbishop of Armagh, the joint synods of Dublin, Glendalough, and Kildare proceed to the election of a new Archbishop of Dublin from among the number of existing bishops, including in that number the person originally elected for Armagh; and if that person is not chosen by them, he becomes bishop of the see vacated by the prelate who is elected to the archbishopric of Dublin. The constitution provides for the resignation, and supersession for incapacity, of archbishops and bishops, and the payment of a retiring annuity.

Discipline. 13. The discipline of the Church is administered by diocesan courts and by the Court of the General Synod. The diocesan court consists in each diocese of the bishop and his chancellor and one clergyman and one layman summoned by rotation from a list of three clergymen and three laymen elected every five years, the former by the clerical members, and the latter by the lay members of the diocesan synod. This court tries all cases arising in the diocese which do not involve a question of doctrine or ritual; and an appeal lies from all its decisions to the Court of the General Synod.

The Court of the General Synod is composed of three ecclesiastical judges, being the three members of the House of Bishops first in precedence, who are able to attend, and four lay judges, being the four persons first in order upon the list of lay judges elected by the general synod, who are able to attend. For this purpose ten persons, being members of the Church who hold or have held high judicial office in the civil courts or, being King's Counsel, have held for five years the office of chancellor of an Irish diocese, are elected at the commencement of the first session of each general synod, and are placed on a list in the order of the number of votes which they receive. The court determines all questions of doctrine and ritual, and any other questions which come before it on appeal from the diocesan courts. A decision of the majority of the judges is the decision of the court; but in cases involving a question of doctrine or the deposition of a clergyman from holy orders, the concurrence of at least two of the ecclesiastical judges is requisite for an adverse judgment; and the sentence in all such cases is pronounced by one of the ecclesiastical judges.

Excommunication. 14. The procedure to be adopted for excluding notorious and impenitent sinners from Holy Communion is regulated by canons enacted in 1877. The offender has a right of appeal from the action of the minister to the Ordinary either in his diocesan court or in private. A sentence of exclusion pronounced by the Ordinary is to be valid in every part of the Church; but the Ordinary may at any time afterwards restore the offender to communion on being satisfied of his sincere repentance.

Prayer-book and Articles. 15. In the constitution of the Church as settled by the General Convention of 1870, it is declared that the Church of Ireland receives and approves the Thirty-nine Articles and also the Book of Common Prayer adopted in 1662,[1] and that the Church will continue to use the same subject to such alterations only as may be made therein from time to time by the lawful authority of the Church. Within the next few years certain alterations were made which are mentioned and explained in the Preface to the present Prayer-book. The ornaments rubric has disappeared.[2] A few small alterations have been made in the Table of Lessons. The rubric directing the use of the Athanasian Creed on certain days has been

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[1] See s. 3 above.

[2] The vesture of the clergy at all times of their ministration is now regulated by the fourth of the Constitutions and Canons Ecclesiastical decreed by the General Synods of 1871 and 1877. Archbishops and bishops are to use the customary ecclesiastical apparel of their order; and presbyters and deacons are to wear a plain white surplice with sleeves, and may in addition wear bands, and the customary scarf of plain black silk and (if a graduate of a university) the hood of his degree. No minister is to wear any other ecclesiastical vestment or ornament, except that he may wear a plain black gown when preaching.

removed, so that it is no longer recited in public worship. But it retains its place before the Litany, and the reference to it in the 8th Article remains. A question and answer have been inserted towards the end of the Catechism to the effect that the Body and Blood of Christ are taken and received in the Lord's Supper only after a heavenly and spiritual manner; and the mean whereby they are taken and received is Faith (see Article 28). In the Order for the Visitation of the Sick, the form of absolution which is found in the Communion Office has been substituted for that provided in the Prayer-book of 1662. And a few occasional services have been added.

CHAPTER III.

The Protestant Episcopal Church in the United States of America.

Formation of the Church.

1. The earliest planting of the Church on the soil of the present United States of America was in Virginia in 1607; and Holy Communion was first celebrated at Jamestown on May 14 in that year, the day after the landing of the original settlers. In August of the same year the first Church services were held in New England. Five years later Virginia was mapped out into parishes, the erection of churches was commenced, and provision was made for the maintenance of the clergy. This example was followed to some extent in North and South Carolina, and in a less degree in the other colonies. As early as the reign of Charles II. the consecration of a bishop for the North American Colonies was in contemplation, and Dr. Murray was actually nominated for the bishopric of Virginia. The project was again revived in 1713, but it was never carried into effect,[1] and on the termination of the War of Independence and the recognition by Great Britain of the United States in 1783, Church people in those States were without any episcopal supervision. Some of the clergy of the State of Connecticut, anxious to supply the defect, resolved to request the Church of England to consecrate Dr. Samuel Seabury whom they sent over to England for the purpose. But the oaths of allegiance and supremacy were by law

[1] See further below, Chap. IV. s. 1.

indispensable accompaniments to an English consecration, and these could not be exacted from a citizen of the United States. Dr. Seabury was accordingly advised to apply to the Scottish bishops, by three of whom he was consecrated in November, 1784. Two years later, however, an Act was passed enabling either of the English archbishops, with other bishops, on obtaining the Royal licence for the purpose, to consecrate persons who were subjects or citizens of foreign countries, to act as bishops in those countries without the Royal licence for their election or the Royal mandate for their confirmation and consecration, and without requiring them to take the oath of allegiance and supremacy, or the oath of due obedience to the archbishop.[1] Under this Act two additional bishops for the United States were consecrated at Lambeth in 1787 and another in 1790; but all subsequent consecrations have taken place in the States. Dr. Seabury and the bishops of the English succession at once united. Dr. Seabury waived his objections to the admission of the laity into ecclesiastical synods: and the other prelates adopted various suggestions of his in regard to their liturgical services and particularly their Eucharistic Service, which is framed on the model of the Scotch Office.[2] A convention of the Church held at Philadelphia in the autumn of 1789 adopted a constitution and a body of canons. These have since undergone alterations; but their main features have remained unchanged.

Constitution.

2. The affairs of the whole Church, both spiritual and temporal, are regulated by the General Convention which meets in October in every third year, and may, if necessary, be specially summoned in the intervals. It is divided

[1] 26 Geo. III. c. 84.

[2] See Chap. I. s. 3.

into two houses: (i.) the House of Bishops, consisting of the diocesan and missionary bishops, and presided over by the bishop of longest standing, and (ii.) the House of Deputies, composed of clerical and lay representatives of each diocese chosen by the diocesan conventions. In order that a proposal may pass the General Convention it must be adopted by a majority in each house, and in the House of Deputies by a majority in each order; the votes in each order being taken by dioceses. Fundamental alterations can only be made, if they are passed at one meeting of the Convention, and after being notified to the diocesan conventions are adopted at the next meeting of the General Convention. There are no archbishops, deans, archdeacons, or other titles of distinction among the clergy.

Diocesan Organization.

3. So far as is consistent with maintaining the integral union of the whole Church, the constitutions and canons leave to each diocese the management of its own affairs, including the composition, meeting, and mode of action of the diocesan convention and the diocesan officers, the method of electing a bishop and choosing deputies to the General Convention, and the mode of altering the diocesan constitution. In every diocese the convention is composed of laity as well as clergy. Speaking generally, the clerical element consists of all the clergy, deacons as well as presbyters, who are discharging any spiritual or educational functions in connection with the Church in the diocese; but the definition of the exact qualification varies in the different dioceses. The lay element is composed of a number, varying in the different dioceses from one to five, of lay delegates from each congregation or parish. They are chosen in some cases by the vestry and in others by the congregation. In some cases the franchise is confined to communi-

cants, and in some dioceses women have votes. The Diocesan Conventions meet annually and are presided over by the bishop, who has a vote but not a veto.

Parishes and Congregations. 4. The dioceses are divided into parishes or congregations. Where a parish is formed it comprises all the Churchmen within a given district. A congregation, on the other hand, has no territorial limits, and the test of membership is attendance at a particular place of worship. The lay officers of the parish or congregation consist of two wardens and ten or twelve vestrymen elected annually on Easter Monday. They are entrusted with (*a*) the election of a rector in the event of a vacancy, and of any assistant minister; (*b*) the appointment of lay delegates to the diocesan convention, where this is not left to the body of the parishioners; and (*c*) the general administration of Church business throughout the year. But the concurrence of the bishop is requisite to the appointment and, in most dioceses, to the dismissal of a rector or an assistant minister. The minister of the parish is *ex-officio* a member of the vestry and presides at its meetings. In most of the States, the vestry can obtain civil recognition as a corporate body, with power to hold and transmit property, to contract and sue, and to exercise all other functions incidental to a legal corporate existence.

Election of Bishops. 5. The mode of electing a diocesan bishop varies considerably in different dioceses. In all, however, the assent of the laity is requisite, and the voting is by orders. In some dioceses the clergy nominate by ballot; and their nominee is elected, if approved by the laity. In most cases, the laity vote by parishes or congregations. A majority is required, in some cases, of two-thirds of each order, and in other cases, of two-thirds

of the total number of each order who vote. Where a bare majority is sufficient, it is required that two-thirds of the whole number entitled to vote must be present at the election. An assistant bishop may be elected to help a bishop who is incapacitated by old age or infirmity; and he will succeed on a vacancy occurring in the see. A bishop-elect cannot be consecrated without the consent of the General Convention if it is sitting or, if not, of the Standing Committee of the diocese. Missionary bishops to discharge episcopal functions in States or Territories not organized into dioceses, or in regions outside the United States, are appointed by the General Convention.

Standing Committees.

6. Among the most distinctive features of the American Church are the Standing Committees, which are appointed in each diocese by the diocesan convention. The Standing Committee acts as a council of advice to the bishop, and during a vacancy in the see is the ecclesiastical authority of the diocese. It is a mixed body of clergymen and laymen; but the number and proportion is not uniform in all the dioceses. In most the proportion is equal; but in some the clergy are in a trifling majority. The total number varies between five and nine. One of its most important duties is connected with ordination. A candidate for the ministry cannot be ordained in any diocese until the Standing Committee is satisfied as to his fitness, and has recommended him to the bishop.[1]

[1] The lowest age for ordination as deacon is twenty-one, and as priest twenty-four. Except under special circumstances there must be at least one year's previous candidature for deacon's orders only, and at least three years' previous candidature for priest's orders, and one full year in deacon's orders is required before admission to priest's orders.

Lay Readers. 7. A lay communicant may be licensed by a bishop to conduct as lay reader the service of the Church in a congregation; but where a rector is in charge his request and recommendation for the appointment must be previously signified. A lay reader cannot, except in case of emergency, perform any part of the service when a clergyman is present. He may not use the Absolution, or Benediction, or the Offices of the Church; except the Burial Office and the Offices for the Visitation of the Sick, and of Prisoners, without the Absolutions and Benedictions. He must not deliver sermons of his own composition; and must conform to the direction of the bishop, or the rector, as to the sermons or homilies which he reads.

Prayer-book. 8. The Prayer-book of the American Church was established by the General Convention of 1789, upon the basis of the English Book of Common Prayer. Obliged to alter the State prayers, they took the opportunity, at the same time, of reviewing the whole book, as well as the Thirty-nine Articles, and making some other alterations, declaring at the same time that their Church was far from intending to depart from the Church of England in any essential point of doctrine, discipline, or worship, or further than local circumstances required. Other small changes have since been made, and the present book is that which was accepted by the General Convention of 1892. Among the special features in it may be noted the following: Proper psalms are appointed for a larger number of days than in the English book, and on other days certain selected psalms may be used instead of those coming in the monthly rotation. The Tables of Lessons differ considerably in detail from the English Tables. All the Sundays and holy-days, and also the forty days of Lent, have proper second as

well as first lessons. There is no Ornaments Rubric. In the Apostles' Creed the words 'He went into the place of departed spirits,' may be substituted for 'He descended into Hell'; and the Nicene Creed may be substituted for the Apostles' Creed in Morning and Evening Prayer. The Athanasian Creed is omitted, and the mention of it is expunged from the 8th Article of Religion. The prayer for Unity from the Accession Service is inserted among the Prayers upon Several Occasions. A Penitential Office for Ash Wednesday is substituted for the Commination Service. A second Collect, Epistle, and Gospel are provided for use on Christmas Day and Easter Day where there are two celebrations of Holy Communion, and a Collect, Epistle, and Gospel are added for the Feast of the Transfiguration (August 6th). In the Prayer of Consecration in the Communion Office, the Oblation, Invocation, and the substance of the prayer which in the English Office is placed immediately after the second Lord's Prayer, follow the words of institution, and precede the distribution of the elements.[1] In the rubrics as to saying the sentences of administration when delivering the Bread and the Cup, the words 'to any one' are omitted. The second prayer which in the English Office may be said in the alternative after the second Lord's Prayer follows

[1] The Prayer of Consecration commences, 'All glory be to thee, Almighty God, for that thou of thy tender mercy didst give thine only Son,' &c., and goes on to 'until his coming again.' Then follows, 'For in the night on which he was betrayed he took bread,' &c. After the words of institution, it proceeds: 'Wherefore, O Lord and heavenly Father, according to the institution of thy dearly beloved Son our Saviour Jesus Christ, we, thy humble servants, do celebrate and make here before thy Divine Majesty with these thy holy gifts, which we now offer unto thee, the memorial thy Son hath commanded us to make; having in remembrance his blessed passion and precious death, his mighty

The Oblation.

that prayer as a necessary part of the Office. The *Gloria in Excelsis* is to be said or sung 'all standing,' or in the alternative some proper hymn from a prescribed selection. The Form of Absolution is omitted from the Order for the Visitation of the Sick. Some additional forms are added, including Forms for Morning and Evening Family Prayer. And in the Ordination Service the option is permitted of either using the English formula, 'Receive the Holy Ghost,' &c., or the following: 'Take thou authority to execute the office of a priest in the Church of God now committed to thee by the imposition of our hands And be thou a faithful dispenser of the Word of God, and of His Holy Sacraments; in the Name of the Father, and of the Son, and of the Holy Ghost. Amen.'

Articles of Religion.

9. The English Articles of Religion were adopted by the General Convention of 1801, with some slight alterations. As already mentioned the Athanasian Creed is omitted from Article 8. The 21st Article is omitted as being partly of a local and civil nature, and provided for, as to the remaining parts of it, in other Articles. A note is appended to Article 35, that it is received, so

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resurrection and glorious ascension; rendering unto thee most hearty thanks for the innumerable benefits procured unto us by the same.

The Invocation.

'And we most humbly beseech thee, O merciful Father, to hear us; and, of thy almighty goodness, vouchsafe to bless and sanctify, with thy Word and Holy Spirit, these thy gifts and creatures of bread and wine; that we, receiving them according to thy Son our Saviour Jesus Christ's holy institution, in remembrance of his Death and Passion, may be partakers of his most blessed Body and Blood.' (N.B.—The Scotch Office, instead of the words 'that we receiving,' &c., runs 'that they may become the Body and Blood of thy most dearly beloved Son.') 'And we earnestly desire thy fatherly goodness mercifully to accept this our sacrifice of praise and thanksgiving,' &c.

far as it declares the Books of Homilies to be an explication of Christian doctrine and instruction in piety and morals; but all references to the constitution and laws of England are inapplicable; and the order for the reading of the Homilies in churches is therefore suspended until a revision of them is made. In the 36th Article the book set forth by the General Convention in 1792, is referred to instead of that set forth in the time of Edward the Sixth; and a short Article on the power of the civil authority generally, and the duty of obeying it, is substituted for the long English 37th Article.

Discipline. 10. A minister who is charged with an offence is tried by the bishop of the diocese, or, if the see is vacant, by the clerical members of the Standing Committee; but only a bishop can pronounce sentence of admonition, suspension, or degradation. In other respects the mode of procedure in each diocese is arranged by the diocesan convention. If a bishop is charged with a moral offence, or a violation of the constitution or canons of the Church or diocese, or a breach of the vows taken upon his ordination or consecration, he is tried before seven bishops chosen by lot. But if it is a question of his holding or teaching doctrine inconsistent with that of the Church, the charge can only be made by another bishop, and the court consists of the whole body of bishops except the accuser and accused. Three-fourths of their number are a quorum; and the consent of two-thirds of the whole number is necessary to a conviction. A clergyman may, in the case of a heinous offence, be degraded or deposed from the ministry. He is also formally deposed, if he desires to relinquish the clerical calling.

Regulations exist for repelling lay persons from Holy Communion, and also for depriving them of all privileges of Church membership in case of very

heinous offences. When repelled from Communion they may appeal to the bishop, who will institute an enquiry into the case according to the canons in force in the diocese.

Foreign Clergy.

11. A clergyman ordained by a foreign bishop in connection with the Church, or by a bishop consecrated by American bishops for a foreign country, or by a missionary bishop elected to exercise episcopal functions out of the United States, must, before being permitted to officiate in a parish or congregation of the Church, satisfy the bishop, or, if there is no bishop, the standing committee of the diocese, as to the authority of his letters of orders, his piety and moral attainments, and theological acquirements; and, before being permitted organically to connect himself with the Church, must produce a letter of dismission from the bishop with whose diocese he has been last connected, and must subscribe the same declaration as is required previously to ordination in the Church.[1] If a deacon or priest ordained by a bishop not in communion with the Church applies to be admitted a minister of the Church, he must produce a certificate from two or more presbyters of the Church as to their belief that his desire to leave his former communion has not arisen from any circumstance unfavourable to his moral or religious character, or on account of which it may be inexpedient to admit him to the ministry of the Church, and he must also, after an interval of at least six months from the date of his application, sign the declaration required previously to ordination.[1] The bishop may then, if

[1] Namely: 'I do believe the Holy Scriptures of the Old and New Testament to be the word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrines and Worship of the Protestant Episcopal Church in the United States.'

satisfied of his theological acquirements, receive him as a minister.

Missions. 12. The Church carries on domestic missions in those portions of the States or Territories comprised in the United States which are not organized into dioceses, and foreign missions in places outside the territory of the United States. The General Convention at every triennial meeting on the nomination of a joint Committee of the two Houses appoints a Board of Missions for the management of the foreign and domestic missions of the Church. All the bishops are *ex-officio* members of the Board, and the elective members are selected from the presbyters and laymen of the organized dioceses. It reports to each triennial General Convention, and acts under a constitution framed and from time to time altered by itself, subject to the approval of that Convention. A domestic missionary bishop is elected by the House of Clerical and Lay deputies on the nomination of the House of Bishops, to exercise episcopal functions in such of the domestic missions as the House of Bishops may prescribe; and they may at any time alter the area of his jurisdiction. He is yearly to appoint two presbyters and two lay communicants resident within his missionary jurisdiction to act as the Standing Committee for the jurisdiction. He has a seat in the House of Bishops, and is eligible to the office of diocesan bishop in any organized diocese. He reports his proceedings to each General Convention, and also at least once a year to the Board of Missions. A foreign missionary bishop is in like manner elected by the House of Deputies, on the nomination of the House of Bishops, to exercise episcopal functions in such missionary stations out of the territory of the United States as the House of Bishops with the concurrence of the House of Deputies may designate. He has no juris-

diction except in the area for which he has been elected and consecrated. He is entitled to a seat in the House of Bishops, but cannot become a diocesan bishop in the United States except with the consent of three-fourths of the whole number of bishops, and either three-fourths of the clerical and lay deputies present at the General Convention, or the Standing Committees of three-fourths of the dioceses. He may yearly appoint from two to five presbyters residing within his jurisdiction, and acting under the appointment of the Board of Missions, to serve as a Standing Committee in the jurisdiction. During the absence of the bishop, or a vacancy in the episcopate, this Committee is the ecclesiastical authority of the missionary jurisdiction.

Present State. 13. The Church has at present sixty-three dioceses and nineteen missionary sees in the territories of the United States, and nine missionary sees in foreign parts.

CHAPTER IV.

Colonial and Missionary Branches.

First Stages: (i.) Across the Atlantic.

1. (i.) The ministry of the Church was early introduced and congregations formed throughout the English colonies in America and the West Indies; and in some places parishes were marked out and endowments were provided for the clergy. An Order in Council of Charles I. placed all British subjects abroad under the episcopal jurisdiction of the Bishop of London. In his reign Archbishop Laud suggested that a bishopric should be created in New England; and Charles II. actually consented to a proposal to consecrate a bishop for Virginia. But it was never carried out, and in spite of several subsequent attempts,[1] it was not until 1787, the year after the passing of 26 Geo. III. c. 84,[2] that the first colonial see of Nova Scotia was founded by Royal Letters Patent. A second, that of Quebec, was founded in like manner six years later, and two more were added in the West Indies in 1825.

(ii). In the Eastern Hemisphere.

(ii.) The Church establishment in India was founded by an Act of Parliament of 1813, and enlarged by another Act in 1833; and in 1836 the bishopric of Australia was constituted by Letters

[1] Four sees were specially in contemplation during the eighteenth century, viz.: Barbados, Jamaica, Burlington in New Jersey, and Williamsburg in Virginia. In 1723 two bishops were actually consecrated for America by the non-juring bishops; but they appear to have exercised scarcely any episcopal functions.

[2] See above, Part II. Chap. III. s. 1.

Patent. At the accession of Queen Victoria there were in all the Colonies and India not more than seven Anglican bishoprics.[1]

Early Victorian Era.

2. Shortly after the accession of Queen Victoria in 1837, a large development commenced in the Colonial episcopate, mainly fostered by the Colonial Bishoprics Fund, which was started in 1841; and the creation of metropolitical sees and provinces was begun. In 1853 the see of Capetown, which had existed as a diocese under previous Letters Patent, was by fresh Letters Patent formed into a province with the dioceses of Grahamstown and Natal, and endowed with metropolitical jurisdiction over them. This eventually led to unforeseen and startling results. For in the meantime independent legislatures had been given to the Cape Colonies as well as to Canada, the West Indies, Australia, and New Zealand; but the effect of this step upon the relations between the Crown and the episcopate in the Colonies was not at first perceived.

The Church in the Self-governing Colonies.

3. In 1853 a useful Act was passed by the British Parliament to the effect that all persons ordained by any Indian or colonial bishops in and for the diocese of another bishop in the foreign or colonial possessions of the Crown upon the written request of that bishop, should be entitled to the same rights and privileges as if he had been ordained by that bishop himself. During the same session there were also introduced a Missionary Bishoprics Bill, to extend the provisions of 26 Geo. III. c. 84,[2] to the consecration of bishops for heathen lands, and a Colonial Church Regulation

[1] The first bishop of Bombay was consecrated five months later.

[2] See above, Part II. Chap. III. s. 1.

Bill, to authorise conventions of bishops, clergy, and laity of the Church of England in the Colonies; but neither of these bills became law. Their objects have, however, since been attained without Imperial legislation. In 1857 the Court of Queen's Bench expressed a strong opinion that a colonial bishop acting under Letters Patent had no jurisdiction except over those who voluntarily submitted to it;[1] and the whole question was raised a few years later by the litigation which took place in consequence of the action of Dr. Gray, as bishop of Capetown and metropolitan.[2] In 1863, on an appeal from his suspension and deprivation of a clergyman for refusing to give notice of the election of lay delegates to a synod of the diocese, the Judicial Committee of the Privy Council decided that Letters Patent, issued by the Crown after the establishment of a constitutional government in a colony, were ineffectual to create any jurisdiction ecclesiastical or civil within the colony. They explained that the Church of England, in places where there is no Church established by law, is in the same situation as any other religious body; and its members may adopt rules for enforcing discipline within their own communion, which will be binding on those who expressly or by implication have assented to them. They added that where a religious body has not only agreed on the terms of its union, but has also constituted a tribunal to determine whether its rules have been violated by any of its members, and what shall be the consequence of such violation, the decision of the tribunal will be binding, when it has acted within the scope of its authority and has observed such forms as the rules

[1] Reg. *v.* Eton College, 8 Ellis & Blackburn's Reports, 610, 636.

[2] See above, s. 2, and below, Chap. IX.

require, if any forms are prescribed, and, if not, has proceeded in a manner consonant with the principles of justice. But the tribunal is not in any sense a court; it derives no authority from the Crown; it has no power to enforce its sentences, but must apply for that purpose to the courts established by law; and they will give effect to its decision as they give effect to the decisions of arbitrators whose jurisdiction rests entirely upon the agreement of the parties.[1] Two years later, on March 20, 1865, upon an appeal of Dr. Colenso, Bishop of Natal, against a sentence of deposition by the Bishop of Capetown, the Judicial Committee decided that although in a Crown colony, or where expressly permitted by an Act of Parliament, a bishopric might be constituted and ecclesiastical jurisdiction conferred by the sole authority of the Crown, the Royal Letters Patent would have no such effect in a colony possessed of an independent legislature. Assuming that they conferred on Dr. Gray the personal relationship of metropolitan towards the Bishops of Natal and Grahamstown, the Crown had clearly no power to invest him with any jurisdiction or coercive legal authority over them or over any other person. Consequently the sentence was null and void.[2] At the same time the Letters Patent of the Bishop of Natal were upheld as regards giving a right to the cathedral church and to the income of the see.[3]

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[1] Long *v.* Bishop of Capetown, (1863) 1 Moore's Privy Council Cases (New Series), 411, 461, 462. In this and all other colonial cases the Judicial Committee was not acting as an Ecclesiastical Court of Appeal, but as the final Court of Appeal from the civil courts of the Colony, before whom the cases had come in the first instance.

[2] *Re* The Bishop of Natal, (1865) 3 *ib.* 115.

[3] Bishop of Natal *v.* Gladstone, (1866) Law Reports, 3 Equity Cases 1; Bishop of Capetown *v.* Bishop of Natal, (1869) 6 Moore's Privy Council Cases (New Series), 203.

Discontinuance of Letters Patent.

4. On February 4, 1864, the Duke of Newcastle, who was then Colonial Secretary, addressed a despatch to the Governor of the Cape of Good Hope calling attention to the principles laid down by the Judicial Committee in Long *v.* Bishop of Capetown, and pointing out the extent to which a bishop or a provincial or diocesan synod in the colonies could bind the clergy and laity of the Church. Her members, equally with the members of any other communion, might adopt rules for enforcing discipline which would be binding on those who had assented to them, provided they were not contrary to existing laws. But the second judgment of 20th March, 1865, rendered still more clear the futility of granting Royal Letters Patent to bishops in a self-governing colony. A week after it was delivered, Mr. Cardwell, who had then become Colonial Secretary, stated in the House of Commons that the practice of issuing them had been for some time discontinued as to Canada, and as to other colonies was now receiving the careful attention of the Government.[1] And in 1866 he brought in a Bill to remove doubts as to the effect of Letters Patent granted to certain colonial bishops, and to amend the law with respect to bishops and clergy in the colonies; but it was not pressed.[2] On July 13th of the same year the whole subject was discussed in the House of Lords, and Lord Carnarvon distinguished four classes of colonial sees, (*a*) sees in Crown colonies, which were unaffected by the judgment of the previous year; (*b*) colonial sees created under Acts of Parliament, probably also unaffected; (*c*) sees created by Letters Patent in colonies having independent representative legislatures, which he stated were twenty-five

[1] Hansard's Parl. Debates, vol. clxxviii. col. 276.
[2] *Ib.* vol. clxxxiii. col. 1032–4.

in number; and (*d*) sees created in the same colonies which had been occasionally alluded to and sometimes recognised, directly or indirectly, by either the colonial or the imperial legislatures. He added that besides these, the single see of Rupert's Land stood upon a somewhat different footing from all the rest.[1] In the following year a Bill to define the position of colonial prelates was again introduced by the Government of the day, but was again dropped; and the subject was never afterwards touched in Parliament.[2] The practice of granting Letters Patent to bishops in self-governing colonies was, instead, quietly discontinued.

Effect on the Church.

5. The Church was thus left to organize herself in these colonies on the basis of voluntary contract in accordance with the decision of the Judicial Committee in 1863 and the despatch of the Duke of Newcastle in the following year. In Canada and in New Zealand some steps had previously been taken in this direction upon the lines laid down more than half a century before by the American Episcopal Church; and the Church in Australia, South Africa, and the West Indies now adopted the same policy. In some colonies Acts of the Legislature were passed recognising and legalising the new position of the Church; but in others the position was assumed, and has been since maintained, without the assistance of any express civil enactment.[3] The bishops were

[1] Hansard, vol. clxxxiv. col. 787–810. The see of Rupert's Land had been created in territory held by the Hudson's Bay Company under their then subsisting charter.

[2] *Ib.* vol. clxxxvii. col. 256; clxxxix. (Index).

[3] The legal effect of the Colonial Church constitutions on the relation between the Churches which have adopted them and the mother Church of England was discussed in the case of Merriman *v.* Williams, mentioned below, Chap. IX. s. 7.

thenceforth either consecrated in England or in the colonial province of which their dioceses formed part, as happened to be most convenient in each case. They can be consecrated by the bishops of any province, except the two English provinces, without any authority from the Crown. But for their consecration in England by the Archbishop of Canterbury or any other English prelate, the licence and mandate of the Crown has continued to be necessary.

Withdrawal of State Aid.

6. Previously to 1870 the episcopal and clerical staff of the Church was in many colonies subsidised to a certain extent by annual grants from the Colonial revenues. But after the Irish Church Disestablishment Act of 1869 these grants were for the most part withdrawn, and the Church was left to depend wholly upon endowments which had been provided in former years, and upon the annual contributions of the laity.

Formation of Provinces and Archbishoprics.

7. As already mentioned, the Church in South Africa was formed into a province by letters patent in 1853. After the Colonial Churches were left to their own resources, others adopted the same course. Canada and New Zealand led the way, and were followed by the Australian dioceses and the dioceses formed out of the original diocese of Rupert's Land in North-West America and the West Indian dioceses. A further development took place when the Provinces of Canada and Rupert's Land decided to form a united Church for the whole Dominion of Canada with a General Synod, which in 1893 resolved to bestow the title of Archbishop on the Metropolitan of each of the two provinces and to elect one of them to be Primate of All Canada. The Australian dioceses also, whether constituted into provinces or not, met together in General Synod; and at the Lambeth Conference in 1897, the right of the

metropolitans of colonial provinces to the title of archbishop was recognised. It was, therefore, at once conferred upon the Prelates of Sydney, Capetown, and Jamaica, and has since been assumed by those of Melbourne and Brisbane, upon ecclesiastical provinces, which must consist of not fewer than three bishoprics, being formed in the colonies of Victoria and Queensland.

Missionary Societies, Boards, and Dioceses.

8. The extension of the Church in the Colonies had been largely assisted by the Society for Promoting Christian Knowledge, founded in 1698, and the Society for the Propagation of the Gospel, incorporated in 1701. To these was added in 1838 the Colonial and Continental Church Society. After the foundation of the Church Missionary Society in 1799, Church work was more systematically undertaken among non-Christians both within and beyond the limits of British territories, and the creation of missionary bishoprics became necessary. The first step in this direction, the location of an Anglican bishop in Jerusalem in 1841, was taken independently of these societies; but the Act which was passed in October of that year to legalise the proceeding[1] has since been resorted to for the formation of new missionary bishoprics in different parts of the world. It authorised either of the two archbishops, with other bishops, after obtaining the express licence of the Sovereign in each case, to consecrate bishops, whether British subjects or not, for any foreign country, without the royal licence for their election or the royal mandate for their confirmation and consecration, and without requiring them, if not British subjects, to take the oaths of allegiance and supremacy and the oath of due obedience to the archbishop. A bishop so consecrated was empowered to exercise,

[1] The Bishops in Foreign Countries Act, 1841 (5 Vict. c. 6). It is popularly known as the Jerusalem Bishopric Act.

within the territorial limits assigned to him by the Sovereign, spiritual jurisdiction over the ministers of British congregations of Church people, and over such other Protestant congregations as might desire to place themselves under his authority. In 1853, as already mentioned, a Missionary Bishops Bill was introduced into Parliament with a view to authorising their consecration without recourse to the Act of 1841. But it failed to pass; and in 1855 a bishop of Labuan, in the Eastern Archipelago, for the S. P. G. Mission in Borneo, was in consequence consecrated in India by the Bishops of Calcutta, Madras, and Victoria (Hong Kong).[1] The majority of subsequent missionary bishops have, however, been consecrated in England under the Act of 1841, which has even been resorted to for consecrations to the see of Travancore and Cochin, that being a semi-independent native State, although within the Indian Empire. In some of the missionary dioceses tentative constitutions have been drawn up, which will probably undergo considerable modification as the dioceses develop and become more settled and are organized into provinces. Besides the societies already mentioned, the work of the Church of England abroad has been largely assisted by the South American Missionary Society, the Church of England Zenana Missionary Society, the Universities' Central African Mission, the Melanesian Mission, and other smaller Church societies, as well as by some organizations not exclusively connected with the Church. Moreover, a Board of Missions was formed for the Province of Canterbury in 1887, and a similar Board for the Province of York a few years later. They frequently take united action, and are supplemented by diocesan Boards of Missions in almost all the dioceses of the two provinces.

[1] This was the first instance since the Reformation of the consecration of a bishop of the Church of England outside the British Isles.

CHAPTER V.

The Church in British North America.

Nova Scotia. 1. There is a record of Holy Communion having been celebrated on the shores of Hudson's Bay in 1578. But the earliest organization of the Church across the Atlantic was in Nova Scotia. By an Act of the legislature of that colony of 33 Geo. II. religious worship was established there according to the Liturgy of the Church of England, and the Governor was directed to induct a minister into any parish which presented him for the appointment. Under this Act, Church patronage in Nova Scotia and New Brunswick has remained to this day in the hands of the parishioners, whereas in the other Canadian dioceses it is in the hands of the bishop, except where a different arrangement has been privately made.

First Bishops. 2. Dr. Charles Inglis, consecrated in 1787, to the see of Nova Scotia, was the first colonial bishop of the Church of England. Six years later the bishopric of Quebec was founded, to embrace the whole of Canada.[1] In 1839, Newfoundland and Bermuda, which previously had formed parts of the diocese of Nova Scotia, were constituted into a separate diocese.[2] In the same year the diocese of Toronto, embracing the whole of Upper Canada, and

[1] See Part II. Chap. IV. s. 1. (i).

[2] The parochial and vestry system of England prevailed in Bermuda from its earliest establishment as a colony. The status of the Bishop of Newfoundland has been recognised by various Acts of the colonial legislature passed in 1843, 1864, and the two following years.

eleven years later the diocese of Montreal, were formed out of that of Quebec. In 1845 New Brunswick was taken out of the diocese of Nova Scotia, and formed into a new diocese of Fredericton; and in 1849 its first bishop, Dr. Medley, became Metropolitan of Canada.

First Synod. 3. The idea of Church assemblies, consisting of laity as well as clergy, was mooted as early as 1832, but no step was taken towards their formation until 1851. In that year the Bishop of Toronto held an informal synod, at which 124 clergymen and 127 laymen were present. This was the first diocesan synod in the Colonial Church. Its constitution was suggested by the constitutions of the diocesan conventions in the United States, and was in the main copied from them. It has since been imitated and reproduced in every diocese in the Colonies, other than strictly missionary dioceses. In the same year the Bishops of British North America met at Quebec and issued a declaration affirming the desirability of diocesan synods being held on the same model as that inaugurated at Toronto, and also of the Canadian bishops, clergy, and laity meeting in council under a provincial Metropolitan, with power to frame rules and regulations for the better conduct of the affairs of the Church.

Disendowment. 4. Previously to 1854, the clergy were supported out of the revenues derived from portions of the former waste lands of the colony, amounting to one-seventh of the whole, which had been appropriated for the purpose under Acts of the British Parliament, and were known as the Clergy Reserves. Allowances had also been made out of the revenues of these lands to the Roman Catholics, Wesleyans, and other religious bodies. But in 1853 Parliament empowered the Canadian Legislature to alter the application of the Clergy

Reserves; and in the following year that legislature passed an Act for their secularisation.

Province of Canada.

5. The Disendowing Act was followed, in 1856, by another Act (Canad. Stat. 19 & 20 Vict. c. 141), which received the royal assent a year later, expressly authorising the bishops, clergy, and laity of the Church to meet in their dioceses and frame constitutions, and make regulations for enforcing discipline, and for the appointment, deposition, deprivation, or removal of all persons bearing office in the Church, and for the management of the property and affairs of the Church in the diocese. It also authorised the bishops, clergy, and laity of the Church in the then Province of Canada to meet in General Assembly by representatives from each diocese, and to frame a constitution and regulations for the general management and good government of the Church in the province. Accordingly a General Synod of the Church in the Province met in 1861, under the presidency of the Metropolitan Bishop of Montreal, and drew up a Constitution and Canons.[1]

Diocese and Province of Rupert's Land.

6. Meanwhile, in 1849, a diocese of Rupert's Land had been founded in the Hudson's Bay Company's territories in the North-West. This was sub-divided rather more than twenty years later by the creation of the new sees of Moosonee, Saskatchewan, and Athabasca. Rupert's Land having thus become an ecclesiastical province, a Provincial Synod was held in 1875, and a constitution for the province was drawn up. Other dioceses have since been formed in it.

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[1] As to the appointment of bishops in Canada, see above, Pt. II. Chap. IV. s. 4; *Colonial Church Chronicle*, Dec. 1862, and May, 1864.

The Church in the Dominion.

7. The creation of the Dominion of Canada in 1867, and its absorption a few years later of the territories of the Hudson's Bay Company, and of the colony of British Columbia, led in 1893 to the union of the two provinces of Canada and Rupert's Land. A General Synod of the Church in the Dominion of Canada was held in September of that year at Toronto, and a constitution was settled. The metropolitans of the two provinces were to hold the title of Archbishops. Each province was left free to arrange the mode of selection of its own bishops and metropolitan; but it was reserved to the bishops of the Upper House of the General Synod to decide which of the two metropolitans should be President of that assembly, with the title of Primate of All Canada. The first to hold that position was Archbishop Machray, of Rupert's Land.

Dioceses of British Columbia.

8. The Diocese of Columbia was founded in 1859, and twenty years later was sub-divided by the formation of the new dioceses of Caledonia and New Westminster; to which that of Kootenay was added in 1900.

Provincial and Extra-Provincial Distribution.

9. These four British Columbian dioceses are still extra-provincial, as is also that of Newfoundland; but the Columbian dioceses have joined the General Synod of the Canadian Church, and it is intended that, when the diocese of Kootenay has its own bishop, they shall be formed into a province. All the other British North American dioceses are in the Province of Canada, or in that of Rupert's Land; the numbers in each being respectively ten and nine.

CHAPTER VI.

The Church in the West Indies.

Early Stages. 1. Before the commencement of the eighteenth century, parishes were marked out and vestries constituted in Jamaica for ecclesiastical as well as civil purposes, and a State provision was made for the support of the clergy. But the clergy, while for some purposes under the jurisdiction of the Bishop of London, were in other respects subject to the governor of the island as Ordinary. Not until 1824 were the West Indies provided with bishops, and two sees were then constituted: that of Jamaica with the Bahamas and British Honduras, and that of Barbados and the Leeward Islands, with St. Vincent, Grenada, Antigua, and the other Leeward Islands, and Trinidad and British Guiana; and by an Act of 1825,[1] provision was made for the maintenance of the bishops, with a staff of archdeacons, ministers, and catechists. In 1842, Antigua and the Leeward Islands were erected into a separate diocese, as was also British Guiana. In 1861 the separate see of Nassau was created for the Bahamas.

Separation from the State. 2. About the year 1870, the connection between the Church and the State in the West Indian dioceses was severed, and these dioceses became thenceforward self-governing. A partial withdrawal of the grants previously made by the State for ecclesiastical purposes took place at the same time; but it

[1] 6 Geo. IV. c. 88.

was accompanied in some parts by schemes of concurrent endowment of the Church and other religious bodies; and, in Barbados, the legislature in 1872 passed an Act re-establishing the Church.

Province. 3. The Province of the West Indies sprang from a conference of West Indian bishops in 1873. It was formed with the consent of the Archbishop of Canterbury; and his consent is required for any change in its boundaries, or in the boundaries of the dioceses of which it is composed. It embraces the five dioceses founded before 1870, and the subsequently formed dioceses of Trinidad and Honduras. The provincial synod consists exclusively of the bishops. They elect a Primate from among themselves, who retains the same see as before his election, and has since 1897 been accorded the title of Archbishop. Each bishop on his consecration takes the oath of obedience to the Archbishop of Canterbury, contained in the Form of Consecration of Bishops, whether he is consecrated in the West Indies or in England.

Diocesan Synods. 4. Law XXX. of 1870, of the Colony of Jamaica, authorised the bishop to convene a diocesan synod consisting of the bishop, clergy, aad laity of the Church; the laity being defined as all baptized persons of twenty-one years of age or upwards who sign a declaration that they are willing to contribute to the support and maintenance of the Church. It further provided for the incorporation by charter of a body to be appointed by the Synod to hold such properties belonging to the Church as were not intended to remain under the control of the government. One synod had already been held before the passing of this law; but a second was held immediately afterwards in the autumn, and a constitution and canons were drawn up for 'The Church of England in Jamaica.' In the West Indian

diocesan synods the voting is by orders in spiritual matters; but in financial and other secular matters, the clerical and lay members vote together, the bishop having a casting vote in case of an equal division. If the bishop dissents from a proposition, as against a small majority in favour of it, the proposition falls. But if the majority amounts to two-thirds of the whole number, the matter stands referred to the Provincial Synod, and if that body agrees with the bishop there is no further appeal; but if it dissents from him, he may appeal to the English Committee of Reference.

English Committee of Reference.

5. The Church has agreed to recognise, as a Committee of Reference, the two English archbishops and the senior English bishop who is willing to act. Besides hearing appeals from diocesan synods they constitute, with any assessors whom they may call in, the Final Court of Appeal for the Church in cases of doctrine and ritual, and are entrusted with certain disciplinary powers over the bishops.

CHAPTER VII.

The Church in the East Indies.

Origin of the Church Establishment.

1. The Indian Church Establishment was created by the East India Company Act, 1813 (53 Geo. III. c. 155), which continued the Company's Charter for a further period of thirty years. It enacted that if the king by letters patent should found a bishopric for the whole of the British territories in the East Indies and other parts within the limits of the Company's Charter, with an archdeaconry for each of the three presidencies, the Company, while the territories remained in their possession, should pay to the bishop and archdeacons nominated by the Crown, out of the revenues of the presidencies, the salaries specified in the Act. And the king was empowered to grant to the bishop by letters patent ecclesiastical jurisdiction, and the exercise of episcopal functions for the administration of holy ceremonies, and the superintendence and good government of the ministers of the Church. In accordance with this Act, the Bishopric of Calcutta was founded by letters patent in the following year. On the next renewal of the East India Company's Charter thirty years later, the Government of India Act, 1833 (3 & 4 Will. IV. c. 85), authorised the erection by the king of two additional bishoprics, those of Madras and Bombay, with salaries to be paid by the Company. The Bishop of Calcutta was to be the metropolitan bishop in India, with such jurisdiction and functions as should be directed by royal letters patent, subject nevertheless to the general superinten-

dence and revision of the Archbishop of Canterbury. The Bishops of Madras and Bombay were to be subject to the Bishop of Calcutta as metropolitan, and each of them at the time of his appointment to the see, or of his consecration as bishop, was to take an oath of obedience to the Bishop of Calcutta. The king was empowered to assign limits to the three dioceses, and from time to time vary those limits, and to grant to the bishops of the new dioceses the exercise of episcopal functions, and of the necessary ecclesiastical jurisdiction. Under this Act, the diocese of Madras came into existence in 1835, and that of Bombay towards the close of 1837.

Additional Dioceses.

2. The diocese of Calcutta at first embraced Australia, and even New Zealand, but these were separated from it in 1836. The diocese of Colombo was founded in Ceylon in 1845. In 1869, Singapore, Penang, and Malacca were transferred from the diocese of Calcutta to that of Labuan, which, since 1881, has borne the longer title of Singapore, Labuan, and Sarawak. Meanwhile, vast territories had been added to the Empire beyond those which had been under British rule in 1813; and these, though conventionally treated as part of the three statutory Indian dioceses, were not made so by Act of Parliament, and could, therefore, be detached from them without an amending Act. Accordingly the sees of Lahore, for the Punjab, and of Rangoon, for Burma, were founded in 1877. Two years later that of Travancore and Cochin, already mentioned,[1] was created, under the Jerusalem Bishopric Act,[2] in a Native State. The diocese of Lucknow was formed in 1893, for

[1] Part II. Chap. IV. s. 8. The bishop took an oath of allegiance to the Bishop of Calcutta (as Metropolitan) and Madras (in consideration of certain Madras chaplains being put under him), as well as to the Archbishop of Canterbury.

[2] (1841) 5 Vict. c. 6.

Oudh and the Jhansi district, which had been annexed to British India subsequently to 1813; and its bishop administers also the rest of the United Provinces under a commission from the Bishop of Calcutta. About the same time two conventional bishoprics within the limits of the original dioceses were formed on an informal basis, with jurisdictions resting on consensual compact and canonical obedience, namely, that of Chota Nagpore, within the diocese of Calcutta, in 1890, and that of Tinnevelly, within the diocese of Madras, in 1896. Seven years later the additional diocese of Nagpur was formed for the Central Provinces and Rajputana, and certain assigned districts of Hyderabad. The bishops of Lahore, Lucknow, and Nagpur, like those of the three original sees, are appointed by the Crown on the nomination of the Secretary of State for India; the Bishop of Travancore and Cochin, like other missionary bishops, is selected by the Archbishop of Canterbury; while the Bishops of Chota Nagpore and Tinnevelly are appointed the one by the Bishop of Calcutta, and the other by the Bishop of Madras.

Diocese of Colombo.

3. The only East Indian diocese which has a constitution framed upon the same model as those of other colonial dioceses is that of Colombo. The fact of Ceylon being a Crown colony placed it on a different footing from the Indian dioceses on the mainland; and in 1865 a diocesan synod was formed, consisting of the bishop, all licensed presbyters, and one or two lay delegates or synodsmen from each congregation; deacons being permitted to attend without voting. For twenty years this synod was an extra-legal body, depending for its existence and authority upon the will of the bishop. But in 1881 the Government gave notice that no further appointments of a bishop and chaplains would be made, and that their salaries from

the State would cease in five years. A representative Church body was to be formed to take over the churches and other ecclesiastical buildings, and hold endowments for the Church. The drafting of a constitution for 'The Church of England in Ceylon' was at once taken in hand, and in the form in which it was completed and adopted in 1886, it contained full provisions for the administration of the diocese by a synod consisting of the bishop, all the clergy in priests' orders of every nationality, and lay representatives of all the congregations, English, Dutch, Singhalese, and Tamil.

CHAPTER VIII.

The Church in Australasia.

First Dioceses. 1. Until within one year of the accession of Queen Victoria, Australasia, as already mentioned, was included in the diocese of Calcutta, and not until 1824 was an archdeaconry of New South Wales established by royal letters patent. But in 1836 the bishopric of Australia was created in the same manner, in subordination to the archiepiscopal see of Canterbury, Archdeacon Broughton being the first occupant. Five years later G. A. Selwyn was consecrated Bishop of New Zealand, and in the following year the diocese of Tasmania was formed. In 1847, Melbourne, Adelaide, and Newcastle were founded as separate sees; and thereupon Bishop Broughton was made, by royal letters patent, Bishop of Sydney, with metropolitical jurisdiction over the five other Australasian bishops.

Development. 2. The organization of the Church in Australasia was first seriously discussed at the Conference of the six bishops, at Sydney, in 1850. In 1854 an Act was passed by the legislature of the Colony of Victoria enabling the bishops, clergy, and laity of the Church in the colony to provide for the affairs of their Church. In the following year the diocese of Adelaide, in South Australia, constituted for itself a diocesan synod, and a form of self-government, without the aid of the Colonial Legislature. The bishopric of Perth, in Western Australia, was founded in 1856; that of Brisbane, in Queensland, in 1860; and that of Goul-

burn, in New South Wales, three years later. The first diocesan synod in Sydney assembled in 1866; and three years later the first meeting was held of a provincial synod of the three dioceses of New South Wales—Sydney, Newcastle, and Goulburn. In 1869 the additional see of Bathurst was created in that colony; and since that year the episcopate in Australia has been augmented by eleven fresh bishoprics.

The Church in New Zealand.

3. In 1856 the first Bishop of Christchurch was consecrated, and in the following year, at a conference of the two bishops and of clergy and laity held at Auckland, a constitution was framed for the branch of the United Church of England and Ireland in New Zealand.[1] Its fundamental provisions declared the adhesion of that branch to the doctrine and formularies of the Mother Church, and prohibited any alteration in those formularies or in the authorised version of the Scriptures. Saving clauses were, however, added to the effect that the general synod might accept any alterations in the formularies and versions adopted by the Mother Church with the consent of the Crown and Convocation; and might avail itself of any licence by the Crown to frame new rules with the view of meeting the circumstances of the colony and native people; and that in the event of a separation of the colony of New Zealand from the mother country, or of a separation of the Church from the State in England and Ireland, the General Synod should have full power to make such alterations in the articles, services, and ceremonies of the New Zealand branch as its altered circumstances might

[1] By this action the Church in New Zealand virtually severed its organic connection with the metropolitan see of Sydney and the other dioceses of Australia and Tasmania. This severance was recognised when a general synod was formed for the Church in Australia and Tasmania in 1872 (see below, sec. 4).

require, and to alter the authorised version of the Bible. Another fundamental provision established a representative governing body for the management of the affairs of the Church, to be called the General Synod, and to consist of three orders, namely, the bishops, the clergy, and the laity: the consent of all of which orders should be necessary to all acts binding upon the synod and upon all persons recognising its authority. For this constitution, as supplemented by the canons passed by the General Synod at its first session in 1859, the Church was mainly indebted to the statesmanship of Bishop Selwyn. In its general lines it followed the constitution of the Church in the United States,[1] and has, in turn, been since largely followed in the constitutions of other colonial Churches of the Anglican communion and in that of the Church of Ireland.[2] In particular, the provision as to the selection of a minister to a cure by a joint board of diocesan and parochial nominators[3] is first found in the New Zealand canons. In the interval between 1857 and the close of the General Synod in 1859, three more sees, those of Nelson, Wellington, and Waiapu, had been founded; and the missionary bishopric of Melanesia was created two years later, when Bishop Patteson was consecrated to it at Auckland. In the General Synod of 1868, the separation of a part of the diocese of Christchurch to form that of Dunedin was resolved upon, and the present seven New Zealand dioceses (including that of Melanesia) were thus completed: the title of Bishop of Auckland being substituted for that of New Zealand, after the translation of Bishop Selwyn to Lichfield. At that session, also, provision was made for the Primacy. Whenever

[1] See above, Part II. Chap. III. ss. 2–5.
[2] See above, Part II. Chap. II. ss. 7–12.
[3] See above, Part II. Ch. II. ss. 11.

a vacancy occurs, one of the bishops is to be elected Primate by the General Synod by a vote by ballot. But if three ballots are taken without any bishop obtaining more than half of the votes of each of the three orders, the senior bishop, according to consecration, is to be Primate. In the General Synod of 1874, the title of the Church was changed to 'The Church of the Province of New Zealand, commonly called the Church of England,' and some other alterations were made.

General Synod of Australia.

4. A general conference of bishops, clergy, and laity met at Sydney in 1872, and resolved itself into the General Synod of the Dioceses of Australia and Tasmania, then ten in number, for which a constitution was at the same time adopted.[1] The metropolitan Bishop of Sydney was recognised as Primate of Australia. The General Synod was to have power to make determinations on various specified matters relating to the order and good government of the Church; but no such determination was to be binding upon the Church in any diocese until it had been accepted by the Church in the diocese in such mode as the diocese should lay down.

Appellate Tribunal and Council of Reference.

5. Acting under this power the General Synod created as an appellate tribunal a 'Committee of Appeal of the General Synod,' composed of five members, namely, the Primate, a bishop to be elected by the House of Bishops, a clergyman to be elected by the clerical representatives, and a layman to be elected by the lay representatives, and another layman to be elected by the whole synod voting collectively. If an appeal

[1] This step marks the severance of the organic connection between the Church in New Zealand and the Australian and Tasmanian dioceses.

brought before them involved a question of doctrine, the committee were authorised to state a case for the opinion of a Council of Reference in England, consisting of the two archbishops and the Bishop of London and four laymen learned in the law appointed from time to time by the General Synod.

Appointment of Bishops.

6. It was at the same time determined that the bishops should in future be elected in each diocese according to regulations made by the diocesan synod, subject to the election being confirmed, where the diocese was part of a province, by the metropolitan and bishops of the province or a majority of them, and, where it was not so, by the Primate and bishops of Australia and Tasmania or a majority of them; and should be consecrated by at least three bishops, of whom the Metropolitan of the province or the Primate should be one. But when any nomination was delegated by a synod or diocese to any archbishops or bishops of the Church of England, and such delegation was approved by the bishops of the province, or by the bishops of Australia and Tasmania in the case of a diocese not within a province, the person eventually nominated might be consecrated without further confirmation: and several bishops so nominated have, in fact, been consecrated in England since 1872.

Provinces and Archbishoprics.

7. In 1881 the General Synod passed regulations as to the formation of new provinces as soon as the number of dioceses in a colony amounted to three, and as to the status of new metropolitans. The Bishop of Sydney was to remain Primate of Australia, and on the next voidance of the see the dioceses of New South Wales were to be deemed a province of which the Bishop of Sydney was to be metropolitan. And in order to consult the interests alike of the diocese,

the province of New South Wales, and the whole Australian Church, it was decided that in future, when a vacancy occurred in the see of Sydney, the diocesan synod should select three names to fill it, one of whom should be struck out by the bishops of the province, and another by the whole bench of Australian bishops; and the person whose name was left should succeed to the see. In accordance with a resolution of the Lambeth Conference of Bishops of 1897, it has now become an archbishopric. The same dignity has since been assumed by the sees of Melbourne and Brisbane; the colonies of Victoria and Queensland having each acquired the *minimum* number of three bishoprics necessary to form a province.

CHAPTER IX.

The Church in South Africa.

First Dioceses. 1. The see of Capetown, with Dr. Robert Gray as its first bishop, was created by Royal Letters Patent in 1847. In 1853 the colony was made self-governing by the grant of a constitution and a representative legislature. In the same year Bishop Gray resigned his bishopric under the original letters patent, and by new letters patent, issued after the grant of the constitution, the diocese was divided into those of Capetown, Grahamstown, and Natal; Bishop Gray being appointed bishop of the new diocese of Capetown and metropolitan over the others. The legal complications to which this step gave rise have already been noticed.[1] Notwithstanding the invalidity, from a civil point of view, of the metropolitical relations of Bishop Gray to the other bishops, he proceeded to the excommunication of Bishop Colenso of Natal; and in 1869 Bishop Macrorie was consecrated at Capetown to the see of Maritzburg, in Natal, to exercise episcopal functions over the majority of the clergy and laity there, while a minority continued their adherence to Bishop Colenso.

Provincial Constitution. 2. In January, 1870, a Provincial Synod was for the first time assembled at Capetown, the dioceses of Capetown, Grahamstown, Maritzburg, and Bloemfontein being represented. That of St. Helena, which had been invited to join, declined to do so. At this

[1] Part II. chap. IV. s. 3.

meeting and a second meeting in 1876, a constitution and canons for 'The Church of the Province of South Africa' were adopted, the provisions of which, so far as they affected the relations of the Church to the Mother Church of England, became a few years later the subject of legislation and received judicial interpretation.[1]

First Article.

3. The first article of the constitution declares that the Church receives (1) the Faith of our LORD JESUS CHRIST as taught in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds, and affirmed by the undisputed General Councils; (2) the doctrine, sacraments, and discipline of CHRIST as contained and commanded in Holy Scripture according as the Church of England has received and set forth the same in its standards of faith and doctrine; and (3) the Book of Common Prayer and of ordering of bishops, priests, and deacons; and accepts the English version of the Holy Scriptures as appointed to be read in churches; and disclaims the right of altering any of the aforesaid standards of faith and doctrine. Provided (1) that nothing shall prevent the Church from accepting, if it so determines, any alteration in the formularies (other than the Creeds) which may be adopted by the Church of England or allowed by any general synod or other assembly of the Churches of the Anglican Communion, or from adapting, abridging, or adding to the services of the Church as required by the circumstances of the province; (2) that all such changes and additions made by the Church of the province shall be liable to revision by any general synod of the Anglican Communion to which the province is invited to send representatives; and (3) that in interpreting the aforesaid standards and formularies the Church be not

[1] See below, sec. 6.

held to be bound by decisions in questions of faith and doctrine, or in questions of discipline relating to faith and doctrine, other than those of its own ecclesiastical tribunals or of such other tribunal as may be accepted by the provincial synod as a tribunal of appeal.[1]

Election of Bishops.

4. The bishops of the province elect a missionary bishop and also a bishop of any diocese in which there are less than six priests. In other cases a bishop is elected by the clergy of the diocese in priests' orders, and one representative deacon, with the assent of representatives of the laity. The electors may either themselves elect, or may, with the approval of the majority of the bishops of the province, delegate to any person or body the power of choosing a bishop to fill a particular vacancy. Every appointment requires confirmation by a majority of the bishops of the province, including the metropolitan, or in the case of an appointment to the metropolitan see, by two-thirds of the bishops. The consecration is ordinarily by the metropolitan, and at least two other bishops of the province; but, with the concurrence of the metropolitan, it may take place in England or elsewhere, by or under the commission of the Archbishop of Canterbury or any other metropolitan of the Anglican Communion. The canons declare that it is expedient for the purpose of exhibiting the connection of the province with the Church of England, that, with the concurrence of the majority of the bishops of the province, the metropolitan should ordinarily be consecrated by or under the commission of the Archbishop of Canterbury.

Ecclesiastical Courts.

5. A bishop is tried before the Court of the metropolitan, consisting of the bishops of the province

[1] This third proviso has no counterpart in the constitution of other Colonial Churches.

with three clerical assessors of the rank of dean, archdeacon, or canon, and one or two lay assessors, being communicants of the province. A clergyman is tried in a diocesan court presided over by the bishop, or a commissary in priests' orders, with the assistance of at least two assessors in priests' orders, and one or two lay assessors, being communicants. An appeal from a diocesan court lies to a provincial tribunal of appeal, constituted in the same manner as the Court of the metropolitan. The canons now in force contemplate the possibility of a further appeal, in a matter of faith or doctrine, to a general tribunal or synod of the Churches of the Anglican Communion, or to the consultative body, the formation of which was recommenced by the Lambeth Conference of 1897.[1]

Merriman v. Williams.

6. The legal effect of the Constitution and Canons of 1870 and 1876 was discussed and decided a few years afterwards in an action brought by Dr. Merriman, Bishop of Grahamstown, in which he claimed that a building in his diocese, which had been granted in perpetuity for use in connection with the Church of England as by law established, belonged to the Provincial Church of South Africa.[2] Both the Supreme Court at the Cape, and, on appeal, the Judicial Committee of the Privy Council, decided against the claim, on the ground that the proceedings of the Synod of 1870 had practically disconnected the two Churches. With respect to several provisions which were relied on as having effected a disconnection between the Church of South Africa and the Church of England, the Judicial Committee declined to pro-

[1] See below, Chap. XI. s. 4.

[2] Merriman *v.* Williams, (1880) Foords' Cape of Good Hope Reports, 135, 196; (1882) [English] Law Reports, 7 Appeal Cases 484.

nounce that they had any such effect. The canons for the election of bishops without the consent of the Crown, and for the constitution of separate ecclesiastical courts, were, no doubt, important. But they were the necessary results of the legal and political situation as laid down by previous decisions of the Judicial Committee,[1] and were not the expression of any separatist intention. If they worked a disconnection, there would be an absolute impossibility of connection between two Churches so situated; and it appeared to the Committee that though the existence of separate systems of appointing bishops, and of ecclesiastical tribunals, was likely enough in the course of time to lead to divergencies, the mere fact of their existence did not produce any such effect. On the other hand, the third proviso to the first article excluded from the constitution of the South African Church such decisions as those of the Judicial Committee of the Privy Council in the Gorham Case in 1850,[2] and the Essays and Reviews Case in 1864.[3] Those decisions formed part of the constitution of the Church of England as by law established; but were no part of the constitution of the Church of South Africa, being in fact expressly excluded from it. There were, therefore, different standards of faith and doctrine between the two Churches on important points. In England, the standard was the formularies of the Church as judicially interpreted. In South Africa, it was the formularies as they might be construed without the interpretation. The Church of South Africa could not therefore claim, as of right, the benefit of endowments settled to uses in connection with the Church of England as by law established.

[1] See above, Part II, Chap. IV. s. 3.

[2] Gorham *v.* Bishop of Exeter; Moore's Report (Ed. 1852).

[3] Williams *v.* Bishop of Salisbury; Moore's Privy Council Cases, New Series, vol. ii. 375.

Sees of Maritzburg and Natal.

7. Bishop Colenso died in 1883, and in 1892, Bishop Macrorie resigned the see of Maritzburg. Thereupon, Bishop Baynes was consecrated to the see of Natal. A few of the former adherents of Bishop Colenso refused to acknowledge his episcopate, but the great majority accepted it, and became thus re-united to the province of South Africa.

Archbishopric of Capetown.

8. The province had in the meantime been enlarged by the creation of five new dioceses; and at the Lambeth Conference of 1897, the prelate occupying the metropolitan see of Capetown was, with two other metropolitans, accorded the title of Archbishop.

CHAPTER X.

The Church in Japan.

(*Nippon Sei Ko-Kwai.*)

Foundation. 1. The first Anglican prelate in Japan was Bishop Williams, who was consecrated by the American Church in 1866 as 'Missionary bishop to China, with jurisdiction in Japan,' and whose title was changed in 1874 to 'Missionary bishop of Yedo,[1] with jurisdiction in Japan.' The Church Missionary Society began work in the country in 1869, and the Society for the Propagation of the Gospel in 1873, both under the supervision of the Bishop of Victoria, Hong Kong; but in 1883 the two societies agreed to support jointly a separate bishopric in Japan. The career of Bishop Poole, the first who was appointed to the post, was quickly cut short by death. Under Bishop Bickersteth, who succeeded him, the two English missions and the American mission were in 1887 united into the *Nippon Sei Ko-Kwai*, the Holy Catholic Church of Japan (literally, 'Japanese Holy Universal Society'). The Church has since been joined by missions of the Canadian Church started in Japan subsequently to its foundation.

Constitution. 2. A constitution and canons were drawn up at the first general synod of the Church in February, 1887, in terms which naturally showed traces of the twofold origin of the body; and they were adopted with amendments

[1] Yedo is the old name of the capital of Japan. The name has been since changed to Tokyo (*i.e.* 'Eastern Capital').

at the eighth General Synod in 1905. The constitution declares that the Church accepts the Scriptures as given by inspiration of GOD, and containing all things necessary to salvation; professes the faith as summed up in the Nicene and Apostles' Creeds; teaches the doctrine which CHRIST our LORD commanded; ministers the two sacraments which He himself ordained, and also His discipline; and maintains the three orders of bishop, priest, and deacon, which have been transmitted from the times of the Apostles.

Episcopate: Districts and Dioceses.

3. The joint American and English origin of the Church rendered it necessary, in the first instance, to arrange for a delimitation of the areas of the two episcopates so long as the American and English Churches continue to supply bishops for the Nippon Sei Ko-Kwai. It was accordingly settled that the leading bishop of each of those Churches should have jurisdiction in the capital, the American bishop having the title of North Tokyo and the English bishop that of South Tokyo. During the last decade of the nineteenth century three new English bishoprics, those of Hokkaido in the north, Kiushiu in the south, and Osaka, and one American, that of Kyoto, were added to the Church; and the bishop for the last was consecrated in Trinity Cathedral, Tokyo, by the Bishop of North Tokyo, assisted by two American bishops from China and the four English bishops in Japan. It was necessary to draw up the constitution and canons on the footing of the existence of this foreign episcopate, and at the same time with the intention of eventually superseding it by an indigenous body of bishops. Accordingly a canon provides that so soon as the General Synod establishes dioceses and determines that the canon shall come into operation, the bishop in each diocese

shall be elected by two-thirds of the clerical and two-thirds of the lay delegates present at a meeting of the diocesan synod; and the election shall require confirmation by a majority of the bishops. If the diocesan synod fail to elect, the election shall be held in the next General Synod, and will be determined by a majority vote of both the clergy and the laity present, with the assent of a majority of the bishops. In the meantime the existing bishops are to have jurisdiction within the six districts bearing the names of the bishoprics mentioned above. Each district is to have a district council, consisting of the bishop of the district as president, all the clergy and catechists who are acting pastors, and lay delegates elected by the communicants of each church in the district from the adult male communicants; a church or group of congregations having twenty or more communicants sending one, and a church having sixty or more sending two. There is also a standing committee in each district, consisting of three presbyters and three laymen, who are elected by the district council, with the exception of one of the presbyters, who is appointed by the bishop.

General Synod. 4. The General Synod consists of all the bishops, who elect one of their number to be president of the synod, and of six clergymen sent by the clerical members, and six laymen sent by the lay members, of the council of each district. The bishops vote separately, and the clerical and lay delegates either separately or conjointly; but all questions are determined by a majority of the bishops, and a majority of the clerical and lay delegates. The functions of the Synod are to determine all matters which concern the welfare and progress of the Church; to form and control a Society for Domestic and Foreign Missions; and to amend the constitution and canons. Any amendment to

the Constitution must be assented to at one session, and passed by a two-thirds vote in the next session of the Synod.

Congregations and Churches. 5. The canons provide for the formation of congregations, and the spiritual care of them by presbyters as pastors, and deacons or catechists as acting pastors, and by assistant catechists, Bible-women and assistant Bible-women. A congregation having a place of worship, and at least twenty actual communicants, may be organized as a church, and choose annually in December from three to five adult male communicants to act as a vestry. The vestry, with the advice and consent of the other communicants, may elect a pastor and forward his name through the standing committee to the bishop, with a request that he be licensed to the church.

Prayer-book and Articles. 6. A Japanese translation of the Book of Common Prayer had been made in 1879–82, under the joint auspices of the American bishop and the English bishop of Victoria, Hong Kong. But the Church resolved to have a revised edition of her own, and entrusted its compilation to two committees, who completed their labours in 1895. The Japanese Prayer-book then issued was based upon the English and American books, and has some points akin to each, and some which are distinct from both. The lectionary follows partly one and partly the other; but has a few proper lessons not found in either. Among other special features, selections of Psalms are provided for optional use instead of the Psalms for the day. The Transfiguration is mentioned among the festivals, but has no collect, epistle, and gospel. The Athanasian Creed is printed near the end of the Prayer-book, with a rubric as to its use instead of the Apostles' Creed on the days mentioned in the English rubric; but it is added that the minister may use it or

not at his discretion. In the Litany, the words, 'from flood, earthquake, and fire,' are added to 'from lightning and tempest.' In the Communion Office, the liberty to substitute our LORD'S summary for the Commandments is more extensive than in the American, and less so than in the Scotch Office. The English and American forms of the Prayer of Consecration are given for alternative use at the option of the celebrant; but if the latter is used, the Prayer of Oblation after the Lord's Prayer must be omitted. In the Office for the Visitation of the Sick, the same form of absolution as in the Commination Office may be used when a sick penitent desires it. An adaptation of the English Commination Service is inserted; and a direction that, if it is not used on Ash Wednesday, the three concluding prayers shall be said towards the close of the Litany. In the Ordination of Priests, who must be twenty-four years of age, the alternative American formula[1] is not inserted. As regards deacons, the minimum age is fixed at twenty-one; and, while acquaintance with Greek and Hebrew is recommended, a knowledge of English is accepted as an alternative; but no reference is made to proficiency in Latin.

The Thirty-nine Articles of the Church of England were accepted provisionally in 1887. They were subsequently re-translated, and in that form were again accepted among the standards of teaching of the Church, but not as, in any sense, part of the Prayer-book.

The canons provide for securing that the standard Prayer-book and Articles shall be in the form in which they are publicly acknowledged in the General Synod, and for their safe custody. The Prayer-book is to be used in public worship; but the bishop may, when occasion requires, set forth special prayers, to be used so long as the need continues.

[1] See Part II. Chap. III. s. 8.

Board of Missions. 7. A Board of Missions has been formed, consisting of all the bishops holding jurisdiction in Japan, and three clergymen and three laymen elected by the General Synod. Its duties are to carry on domestic and foreign mission work, and in particular to appoint and discharge missionaries and make regulations for the conduct of their operations; to receive and expend contributions; to give information and publish annual reports; and, when occasion demands, to carry on joint work with other churches in communion with the Nippon Sei Ko-Kwai. There is to be a local branch in each district.

Discipline. 8. A clergyman against whom an accusation is brought before the bishop by not less than three adult communicants and two presbyters will, if the bishop, on the report of two presbyters appointed by him to act as a committee of preliminary inquiry, considers that there is sufficient cause for an accusation, be presented to the bishop for trial before a court of three presbyters; and if the court finds him guilty and deserving of a certain sentence, the bishop is to pronounce such canonical sentence as he may think fit, not being more severe than that adjudged by the court. Either the accusers or the accused may appeal to the whole body of bishops, whose sentence is to be final. A lay member of the Church, guilty of a crime or of an offence against the Christian religion, may be temporarily excluded from communion by a presbyter; but the fact must be reported to the bishop, who will decide whether the offender is to be expelled from the Church or only excluded from communion.

In either case the offender may, if penitent, be restored to Holy Communion or to the privileges of the Church in the manner prescribed by the canons.

CHAPTER XI.

The Lambeth Conferences.

Origin. 1. The first of a series of decennial[1] conferences of Anglican bishops at Lambeth Palace took place in September and December, 1867, under the presidency of Archbishop Longley. It was brought about by a resolution of the Provincial Synod of the Canadian Church two years earlier in in favour of a general council of members of the Anglican Communion in all quarters of the world, and an appeal from the Canadian bishops for a general meeting of the Anglican episcopate, and addresses of the two Houses of the Canterbury Convocation upon the subject of that resolution and appeal. The whole number of bishops then amounted to 144, and 76 of these attended the conference. At its close an address to the faithful was issued dealing with general principles of the Faith.

Second Conference. 2. The second Conference was held in July, 1878, during the primacy of Archbishop Tait; again on the initiative of the Canadian Church. One hundred bishops attended, and the result of their deliberations was put forth in an official letter incorporating the five Reports of Committees of the Conference which had been adopted by the whole body. Among the subjects treated were the mutual relations of missionary bishops

[1] The exact interval of ten years between each Conference has not been strictly observed. The dates arranged up to the present time have been 1867, 1878, 1888, 1897, and 1908.

and missionaries of different branches of the Anglican Communion acting in the same country, the West Indian dioceses and their proposed combination into a province, and the introduction of new forms of ritual and novel practices and teachings on the subject of Confession.

Third Conference.

3. The third Lambeth Conference was held in July, 1888, under the presidency of Archbishop Benson. Invitations were sent to 209 'archbishops, bishops metropolitan, and other bishops of the Holy Catholic Church, in full communion with the Church of England, having superintendence over dioceses, or lawfully commissioned to exercise episcopal functions therein'; and it was actually attended by 145. The resolutions which were passed, and the Reports of the Committees were published as appendices to an Encyclical Letter, which summarised the results of its deliberations. Among its decisions may be noticed the following:—

(2) That the use of unfermented juice of the grape, or any liquid other than true wine diluted or undiluted, as the element of the administration of the cup in Holy Communion, is unwarranted by the example of our LORD, and is an unauthorised departure from the custom of the Catholic Church.

(4) (*a*) That inasmuch as our LORD'S words expressly forbid divorce except in the case of fornication or adultery, the Christian Church cannot recognise divorce in any other than the excepted case, or give any sanction to the marriage of any person who has been divorced contrary to this law, during the life of the other party: (*b*) That under no circumstances ought the guilty party, in the case of a divorce for fornication or adultery, to be regarded during the lifetime of the innocent party as a fit recipient of the blessing of the Church on marriage: (*c*) That recognising the fact that there always has been a difference of opinion in the Church on the question whether our LORD meant to forbid marriage to the innocent party

in a divorce for adultery, the Conference recommends that the clergy should not be instructed to refuse the sacraments or other privileges of the Church to those who, under civil sanction, are thus married.

(5) (*a*) That it is the opinion of this Conference that persons living in polygamy be not admitted to baptism; but that they be accepted as candidates, and kept under Christian instruction until such time as they shall be in a position to accept the law of CHRIST: (*b*) That the wives of polygamists may be admitted in some cases to baptism; but that it must be left to the local authorities of the Church to decide under what circumstances they may be baptized.

(6) (*a*) That the principle of the religious observance of one day in seven, embodied in the Fourth Commandment, is of Divine obligation: (*b*) That from the time of our LORD'S Resurrection, the first day of the week was observed by Christians as a day of worship and rest, and, under the name of 'The LORD'S Day,' gradually succeeded, as the great weekly festival of the Christian Church, to the sacred position of the Sabbath.

(10) That inasmuch as the Book of Common Prayer is not the possession of one diocese or province, but of all, and a revision in one portion of the Anglican Communion must therefore be extensively felt; this Conference is of opinion that no particular portion of the Church should undertake revision without seriously considering the possible effect of such action on other branches of the Church.

Then came the famous four Articles on the subject of Home Reunion, which are sometimes called the Lambeth Quadrilateral. They had been substantially adopted two years previously by the House of Bishops in the General Convention of the American Church, and were embodied in the following declaration:—

11. That in the opinion of this Conference, the following Articles supply a basis on which approach may be, by GOD'S blessing, made towards Home Reunion:—

(*a*) The Holy Scriptures of the Old and New Testaments, as 'containing all things necessary to salvation,' and as being the rule and ultimate standard of faith.

(*b*) The Apostles' Creed as the baptismal symbol; and the Nicene Creed as the sufficient statement of the Christian faith.

(*c*) The two Sacraments ordained by CHRIST Himself—Baptism and the Supper of the Lord—ministered with unfailing use of CHRIST'S words of Institution, and of the elements ordained by Him.

(*d*) The Historic Episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of GOD into the unity of His Church.

Fourth Conference.

4. Archbishop Temple presided over the next Conference, which was held at Lambeth Palace in July, 1897, after the celebration of the completion of the sixtieth year of the reign of Queen Victoria, at which 194 bishops were present. The desirability of similar conferences being held at intervals of about ten years was affirmed; and it was recommended that a consultative body should be formed to which resort might be had, if desired, by the national Churches, provinces and extra-provincial dioceses of the Anglican Communion, either for information or for advice. The Conference recorded satisfaction at the progress of provincial organization since its formal commendation to the Anglican Communion in the official letter of 1878, and hoped that it might be carried further, as circumstances permitted. And recognising the almost universal custom in the Western Church of attaching the title of archbishop to the rank of metropolitan, the assembled prelates expressed the opinion (*a*) that the revival and extension of the custom among themselves was justifiable and desirable; (*b*) that it was advisable that the adoption of such a title should be formally announced to the bishops of the various Churches and provinces of the Communion with a view to its general recognition, and (*c*) that the archiepiscopal or primatial title might be taken from

a city or from a territory, according to the discretion of the province concerned. They also resolved that where it is intended that any bishop-elect, not under the metropolitan jurisdiction of the see of Canterbury, should be consecrated in England under the royal mandate, it is desirable, if possible, that he should not take an oath of personal obedience to the archbishop of Canterbury, but rather should, before consecration, make a solemn declaration that he will pay all due honour and deference to the archbishop of Canterbury, and will respect and maintain the spiritual rights and privileges of the Church of England, and of all Churches in communion with her; and that, if he is designated to a see within any primatial or provincial jurisdiction, he should, at consecration, take the customary oath of canonical obedience to his own primate or metropolitan. The Conference recognised the exclusive right of each bishop within his jurisdiction, subject to such limitations as may be imposed by the provincial or other lawful authority, (*a*) to put forth or sanction additional services; and (*b*) to adapt the services in the Prayer-book to local circumstances, and direct or sanction the use of additional prayers; provided that the doctrinal teaching or value of the services be not affected by the adaptation.

The Conference passed fourteen resolutions on the subject of foreign missions, which, in the Encyclical Letter issued after its close, was referred to as 'the work that at the present time stands in the first rank of all the tasks we have to fulfil.' It also heartily welcomed the proposal for the temporary employment of younger clergy in service abroad as likely to lead to the great benefit of the Church at home, of the Church in the colonies, and of the Church at large; and it requested the bishops of the Church of England to grant the same privileges to clergymen temporarily serving in any of the missionary jurisdictions of the

United States, with the consent of their diocesan, which these bishops accorded to clergymen serving in the colonies.

Fifth Conference.

5. The fifth Lambeth Conference has been fixed for July, 1908, preceded by a Pan-Anglican Congress of bishops, clergy, and laity in London in June, which has been arranged by a committee appointed at the instance of the United Boards of Missions of the Provinces of Canterbury and York.

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